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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

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CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1971, is $175 domestic, $45 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1972, will be $195 domestic, $50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

Title		Price
1		$1.00
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3	1936–1938 Compilation	6.00
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	1 (§§ 1.0–1—1.300)	3.00
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Title 7—AGRICULTURE

Chapter V—Agricultural Research Service, Department of Agriculture

PART 500—CONDUCT ON NATIONAL ARBORETUM PROPERTY

Miscellaneous Amendments

By order (36 F.R. 20707), effective October 31, 1971, the Secretary of Agriculture established the Animal and Plant Health Service in the Department of Agriculture and transferred certain functions and responsibilities of the Agricultural Research Service to the Director of Science and Education, including functions under the provisions in Parts 301, 302, 318, 319, 320, 322, 330, 331, 351, 352, 353, 354, and 370, of Chapter III, 7 CFR, but reserved certain other functions to the Agricultural Research Service, including those under Part 371, Chapter III, 7 CFR. Pursuant to said order of the Secretary and the authorities cited therein and in said Part 371, the provisions in Part 371 are hereby transferred to a new "Chapter V—Agricultural Research Service" in Title 7, CFR, Part 500.

The foregoing actions are taken to reflect organizational changes within the Department of Agriculture and do not

substantially affect the rights or obligations of any member of the public.

This order shall become effective upon publication in the FEDERAL REGISTER (12-1-71).

Done at Washington, D.C., this 24th day of November 1971.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.71-17474 Filed 11-30-71;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements, and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 508, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.708 (Lemon Regulation 508, 36 F.R. 22143) during the period November 21, 1971, through November 27, 1971, is hereby amended to read as follows:

§ 910.708 Lemon Regulation 508.

* * * * *

(b) *Order.* (1) * * * 175,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17476 Filed 11-30-71;8:48 am]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

On November 10, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21522) regarding proposed expenses and the related rate of assessment for the period August 1, 1971, through July 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1971, through July 31, 1972, will amount to $30,400.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1971, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17547 Filed 11-30-71;8:54 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Subpart—Rules and Regulations

REPORTING

Notice was published in the FEDERAL REGISTER issue on November 9, 1971 (36 F.R. 21411), that the Department was giving consideration to a proposed amendment of § 929.105 *Reporting* (Subpart—Rules and Regulations 7 CFR 929.100–929.150), pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposal. None were received.

The amendment of said rules and regulations was proposed by the Cranberry Marketing Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. The amendment is necessary to remove obsolete filing dates and provide for the continued submission of current reports and information from handlers.

After consideration of all relevant matters presented, including that in the notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act and of this part. Accordingly, the language in paragraph (b) of § 929.105 is amended to read as follows:

§ 929.105 Reporting.

* * * * *

(b) Certified reports shall be submitted to the committee by each handler not later than the 11th day of November, February, May, and August of each fiscal period showing (1) the total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled during the 3-month period ending the last day of the month preceding the date the report is due and (2) the respective quantities of cranberries and cranberry products held by the handler on the first day of each of the specified months.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 26, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17548 Filed 11-30-71;8:54 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Leap Year

1. Effective December 31, 1971, paragraph (l) is added to § 226.6 as follows:

§ 226.6 General disclosure requirements.

* * * * *

(l) *Leap year.* Any variance in the amount of any finance charge, payment, percentage rate, or other term required under this part to be disclosed, or stated in any advertisement, which occurs by reason of the addition of February 29 in each leap year, may be disregarded, and such term may be disclosed or stated without regard to such variance.

2. The amendment will permit creditors to ignore any variance in terms which occurs as a result of leap year, and will facilitate the use of preprinted disclosures without the need for the preparation of new forms solely as a result of leap year. In general, any variance in terms caused as a result of leap year will be minor.

3. Notice of proposed rule making with respect to this amendment was published in the FEDERAL REGISTER of October 9, 1971 (36 F.R. 19706). The amendment was adopted by the Board after consideration of all relevant material, including communications received from interested persons.

By order of the Board of Governors, November 26, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-17508 Filed 11-30-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-27-AD; Amdt. 39-1350]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58 and 95 Series Airplanes

Amendment 39-1227 (AD 71-12-4), superseding Amendment 39-1047 (AD 70-15-14), is an Airworthiness Directive requiring replacement of Beech P/N 96-524029-1 and P/N 96-524029-3 control wheel adapters installed on Beech 33, 35, 36, 55, 56, 58 and 95 series airplanes, with Beech P/N 96-524029-15 or P/N 96-524029-19 control wheel adapters in accordance with Beechcraft Service Instruction No. 0254-156, Revision II. Subsequent to the issuance of AD 71-12-4, it was found that additional Beech airplanes, either by model or serial number designations, should have been affected by the AD. In addition, it has been determined that the adapters required by previous AD's were inadequate and should be replaced by improved adapters containing two welds and inspection stamps for ready identification. Accordingly, Amendment 39-1227 (AD 71-12-4) is being superseded by an AD requiring replacement of all single-weld control wheel adapters with those containing a double weld.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following airplanes:

(1) *Models*	*Serial numbers affected*
35-C33, E33, F33	CD-1062 through CD-1264, except CD-1237.
35-C33A, E33A, F33A.	CE-118 through CE-346, except CE-324.
E33C, F33C	CJ-1 through CJ-30.
V35, V35TC, V35A, V35A-TC, V35B, V35B-TC.	D-8336 through D-9285, except D-9208, -9279, -9280, -9281, -9282.
36, A36	E-1 through E-275.
95-B55, 95-B55A	TC-1021 through TC-1397, except TC-1395, -1396.
95-C55, D55, E55	TE-256 through TE-845, except TE-836, -837.
56TC, A56TC	TG-1 through TG-94.
58	TH-1 through TH-170, except TH-135, -153, -161.
D95A, E95	TD-678 through TD-721.

(2) Only applicable if altered in service to incorporate P/N 60-524080 series control wheels which have provisions for a clock and a light:

Models	*Serial numbers affected*
35-C33	CD-814 through CD-1061.
35-C33A	CE-1 through CE-117.
V35	D-7977 through D-8335.
95-B55, 95-B55A	TC-371 and TC-502 through TC-1020.
95-C55, 95-C55A	TC-350 and TE-1 through TE-255.
D95A	TD-534 through TD-677.

In order to assure security of control wheels, (1) within 50 hours' time in service after the effective date of this AD, for those airplanes which do not comply with AD 71-12-4, or (2) within 300 hours' time in service after the effective date of this AD, for those airplanes which do comply with AD 71-12-4, unless already accomplished, accomplish the following:

Ascertain that two Beech inspection stamps can be seen on one tip of each control wheel adapter. (These tips may be seen while looking toward the forward face of control wheel hubs, without disassembly.) If the stamps cannot be seen on an adapter, replace it with either Beech P/N 96-524029-15 (left) or Beech P/N 96-524029-19 (right) control wheel adapters which have aforementioned stamps, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0254-156, Rev. III, pertains to this subject.

This AD supersedes AD 71-12-4 (Amendment 39-1227).

This amendment becomes effective December 1, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 19, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-17561 Filed 11-30-71;8:53 am]

[Airspace Docket No. 71-SO-147]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 4, 1971, F.R. Doc. No. 71-16107 was published in the FEDERAL REGISTER (36 F.R. 21182), amending Part 71 of the Federal Aviation Regulations by altering the Auburn, Ala., transition area.

In the amendment, the latitudinal ordinate for Auburn-Opelika Airport was cited as "32°27'00" N." in lieu of "32°37'00" N." It is necessary to amend the FEDERAL REGISTER document to correct the latitude. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 71-16107 is amended as follows:

In line three of the Auburn, Ala., transition area description "* * * (lat. 32°27'00" N. * * *" is deleted and "* * * (lat. 32°37'00" N. * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 17, 1971.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.71-17449 Filed 11-30-71;8:45 am]

[Airspace Docket No. 71-EA-144]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 21029 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a rule which altered the Danville, Va., control zone (36 F.R. 2073) so as to reduce the duration of the control zone to 0600–2200 hours, local time, daily. It was intended to make the rule effective upon reduction of the hours of operation of the Danville Flight Service Station. This will occur on January 13, 1972, but the control zone's reduction was made effective upon publication in the FEDERAL REGISTER.

Since this corrects an error in effectivity date and overall result is relaxatory, notice and public procedure hereon are unnecessary.

In view of the foregoing delete the phrase "upon publication in the FEDERAL REGISTER" and insert in lieu thereof "0901 G.m.t. January 13, 1972".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17447 Filed 11-30-71;8:45 am]

[Airspace Docket No. 71-RM-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On October 15, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20048) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Moab, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 3, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on November 22, 1971.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (36 F.R. 2140) the description of the Moab, Utah, transition area as amended in § 71.181 (36 F.R. 3113) is further amended to read as follows:

MOAB, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

[FR Doc.71-17448 Filed 11-30-71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter IV—Agricultural Research Service, Department of Agriculture

SUBCHAPTER F—POULTRY IMPROVEMENT

PART 445—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 446—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

PART 447—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

Miscellaneous Amendments

By order (36 F.R. 20707) effective October 31, 1971, the Secretary of Agriculture established the Animal and Plant Health Service in the Department of Agriculture and transferred certain functions and responsibilities of the Agricultural Research Service to the Director of Science and Education, including functions under the provisions in Subchapters A, B, C, D, E, G, H, I, and J of Chapter I, 9 CFR, but reserved certain other functions of the Agricultural Research Service, including those under Subchapter F, Chapter I, 9 CFR. Pursuant to said order of the Secretary and the authorities cited therein and in said Subchapter F, the provisions in Parts 145, 146, and 147 constituting Subchapter F, are hereby transferred to a new "Chapter IV—Agricultural Research Service" in Title 9, CFR, and designated as Parts 445, 446, and 447, respectively.

The foregoing actions are taken to reflect organizational changes within the Department of Agriculture and do not substantially affect the rights or obligations of any member of the public.

This order shall become effective upon publication in the FEDERAL REGISTER (12-1-71).

Done at Washington, D.C., this 24th day of November 1971.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.71-17473 Filed 11-30-71;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Abolition of Certain Exemptions

On September 8, 1971, notice was published in the FEDERAL REGISTER (36 F.R. 18000) of proposed amendments to the general regulations promulgated under the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.). These matters were the subject of a public oral hearing held in Washington, D.C., on September 30, 1971, and interested parties were afforded an opportunity to submit written data, views or arguments in addition to or in lieu of testimony at such hearing.

Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act as amended, and after careful consideration of all the oral and written views, comments, and arguments presented by interested persons, and of all other relevant facts and information available, the general regulations promulgated under such Act are hereby amended as follows:

1. Section 1.7 is revised to read as follows:

§ 1.7 Registration required of futures commission merchants.

No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market, unless the Secretary of Agriculture has registered such person as futures commission merchant under the Commodity Exchange Act and such registration has not expired and is not under suspension or revocation.

2. Paragraph (e) of § 1.10 is revoked and paragraphs (b), (c), and (f) thereof are revised to read as follows:

§ 1.10 Applications for registration and financial reports.

* * * * *

(b) Every person who files an application for registration as futures commission merchant, and who is not so registered at the time of such filing, shall, concurrently with the filing of such application, file on Form 1-FR a report of the applicant's financial condition as of a date not more than 3 months prior to the date on which such report is filed. Each such financial report shall be executed in accordance with the instructions accompanying the prescribed form.

(c) Except as provided in paragraph (d) of this section, every person registered as futures commission merchant under the Act shall file on Form 1-FR a report of his financial condition as of each June 30 and each December 31, unless the registrant's records are kept on a fiscal year basis, in which case he shall file on Form 1-FR such a report as of the midpoint and the end of each fiscal year. Each such report shall be executed and filed in accordance with the instructions accompanying the prescribed form, and shall be filed not more than 3 months after the date as of which it reports the registrant's financial condition.

* * * * *

(e) [Revoked]

(f) Every person registered as futures commission merchant under the Act shall prepare a written computation of his net worth at least once each month and retain it in accordance with § 1.31. Whenever any such computation shows, or any registrant knows or has reason to believe, that the registrant's net worth has declined 20 percent or more from his net worth as shown in the report of his financial condition, referred to in this section, which he most recently filed with the Commodity Exchange Authority, or whenever any registrant knows or has reason to believe that he is not in compliance with the requirements prescribed in § 1.17, such registrant shall immediately notify the Commodity Exchange Authority thereof.

3. Item 3 of subparagraph (1) of paragraph (a) of § 1.14 is revised to read as follows:

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported by futures commission merchants and floor brokers.

(a) Each registrant shall file promptly with the Commodity Exchange Authority a statement on Form 3-R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* The following items of Form 1-R "Application for Registration as Futures Commission Merchant":

Item 2—address of principal office;
Item 3—location of books and records;

* * * * *

4. Paragraph (c) of § 1.17 is revoked and paragraph (a) thereof is revised to read as follows:

§ 1.17 Minimum financial requirements.

(a) Except as provided in paragraph (b) of this section, no person applying for registration as futures commission merchant shall be so registered unless he has adjusted working capital equal to or in excess of whichever of the following is greater: (1) $10,000, or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each person registered as futures commission merchant shall at all times continue to meet such financial requirements.

* * * * *

(c) [Revoked]

* * * * *

§ 1.31a [Revoked]

5. Section 1.31a is revoked.

These amendments shall become effective January 1, 1972.

The amendments are identical to what was proposed in the notice of proposed rule making with two exceptions. The last sentence of § 1.7 as proposed to be revised has been eliminated because it referred to futures commission merchants who operate in accord with § 1.31a which is being revoked and therefore that sentence would be superfluous. Also, a clarifying amendment was made in the remaining sentence of § 1.7. Further notice and other public rulemaking procedure is unnecessary with respect to these amendments.

Certain futures commission merchants transmit all customers' commodity futures orders, together with all money, securities, and property received to margin, guarantee, or clear the trades or contracts of such customers, to other futures commission merchants for execution or clearance, where the latter merchants render confirmations and statements of purchase and sale, and transmit remittances, direct to such customers. In the language of the business, these merchants are said to be "carrying" such accounts with the other merchants "on a disclosed basis," and are known as "1.31a brokers." Such merchants have been exempt from the minimum financial requirements found in § 1.17, from certain reporting requirements necessary to enforce the minimum financial requirements, and from the recordkeeping requirements of §§ 1.32-1.36, inclusive.

The experience of the Commodity Exchange Authority has been that most such "1.31a brokers" are in fact agents acting in behalf of the merchants with whom they "carry" such accounts, but that such "principal" merchants often deny responsibility for the acts of such "1.31a brokers" when customers complain about the handling of their accounts. This practice leaves such customers unable to obtain satisfactory disposition of their claims and complaints. In view of this and the fact that the exemptions in question benefit no one except the "1.31a brokers," the exemptions are believed to be in conflict with the objectives of the Act.

(Sept. 21, 1922, c. 369, section 4g, as added June 15, 1936, c. 545, section 5, 49 Stat. 1496, as amended Feb. 19, 1968, public law 90-258, section 8, 82 Stat. 28, 7 U.S.C. 6g, and Sept. 21, 1922, c. 369, section 8a, as added June 15, 1936, c. 545, section 10, 49 Stat. 1500, and amended Aug. 5, 1955, c. 574, 69 Stat. 535, as amended Feb. 19, 1968, Public Law 90-258, sections 20-23, 82 Stat. 32, 33, 7 U.S.C. 12a)

NOTE: The reporting and recordkeeping requirements herein have been approved by the Office of Management and Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

Issued: November 24, 1971.

RICHARD LYNG,
Assistant Secretary.

[FR Doc.71-17477 Filed 11-30-71;8:48 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 619—PURCHASE OF MAIL TRANSPORTATION AND RELATED SERVICES BY CONTRACT

Air Taxi Operators

Regulations codified in Part 619 of Title 39, Code of Federal Regulations (36 F.R. 12432, as amended 36 F.R. 20332), are further amended to permit an air taxi operator, operating regularly scheduled passenger flights, to obtain contracts for the carriage of mail on such flights without providing a performance bond.

Accordingly, in Part 619 make the following changes:

1. In Subpart 1—General, insert new § 619.103-74 reading as follows:

§ 619.103-74 Scheduled air taxi operator.

"Scheduled air taxi operator" means an air taxi operator which operates at least five weekly round-trip passenger schedules between two or more points and transports mail, in addition to passengers, on such flights, pursuant to a postal contract.

2. In Subpart 2—Advertised Contract Service—General, amend § 619.207-2 to read as follows:

§ 619.207-2 Exceptions.

A performance bond is not required if the contract:

(a) Requires the mail to be transported by:

(1) An ocean carrier;

(2) An air carrier certificated to transport mail;

(3) A scheduled air taxi operator; or

(4) A rail carrier in railway equipment.

(b) Is for emergency service.

(c) Is an area bus contract.

(d) Calls for an annual rate of $1 or less.

(39 U.S.C. 401, 404, 410, 2008(c), 5001-5605)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-17552 Filed 11-30-71;8:55 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114–25—GENERAL

Additional Systems and Equipment for Passenger Motor Vehicles

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new § 114–25.304 is added to Subpart 114–25.3, Title 41 of the Code of Federal Regulations, as set forth below.

This new section shall become effective on the date of its publication in the FEDERAL REGISTER (12–1–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

NOVEMBER 23, 1971.

Subpart 114–25.3—Use Standards

The table of contents of Subpart 114–25.3 is amended to add the following new entry:

Sec.
114–25.304 Additional systems and equipment for passenger motor vehicles.

Section 114–25.304 is added to read as follows:

§ 114–25.304 Additional systems and equipment for passenger motor vehicles.

(a) In addition to the guidelines required to be met by FPMR 101–25.304, the essentiality of such additional systems or equipment for vehicles already in service shall be weighed against the economic factors involved and potential benefits to be derived therefrom.

(b) The determination with respect to procurement of additional systems and equipment for passenger motor vehicles already in service should not be made by an official below the regional or comparable office level.

[FR Doc.71–17501 Filed 11–30–71;8:50 am]

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Purchase of New Motor Vehicles

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–26.5 of Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

This revision shall become effective on the date of its publication in the FEDERAL REGISTER (12–1–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

NOVEMBER 23, 1971.

Subpart 114–26.5—GSA Procurement Programs

Section 114–26.501 is revised to read as follows:

§ 114–26.501 Purchase of new motor vehicles.

(a) The head of each Bureau or Office is authorized to make the determination as to which vehicles require specific additional systems or equipment, including airconditioning. The head of each Bureau may, in his discretion, authorize an official not below the regional or comparable office level to make this determination.

Section 114–26.501–50 is revised to read as follows:

§ 114–26.501–50 Acquisitions chargeable to purchase authorizations.

(a) The annual appropriation Acts specify the maximum number of passenger-carrying vehicles which may be acquired by each Bureau and Office during the fiscal year. These allocations apply to all new acquisitions of automobiles, 4 x 2 station wagons, ambulances and buses whether for replacement purposes or new additions to the fleet.

(b) The following acquisitions of passenger-carrying vehicles are chargeable to the purchase authorizations specified in annual appropriations Acts:

(1) Purchase of new vehicles from commercial sources whether for replacement purposes or additions to the fleet.

(2) Acquisition from excess sources with reimbursement, whether for upgrading or replacement purposes, or for additions to the fleet.

(3) Acquisition from excess sources without reimbursement, unless an equal number of passenger-carrying vehicles is reported to GSA as excess within 30 days after receipt of the newly acquired excess vehicles. (See IPMR 114–26.501–51(a).)

(4) Acquisition from excess sources on a loan basis when the vehicle is to be used in excess of 90 days.

(c) Bureaus and Offices shall establish and maintain controls at the headquarters office level as necessary to ensure that purchase authorizations specified in annual appropriation Acts are not exceeded.

[FR Doc.71–17502 Filed 11–30–71;8:50 am]

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Utilization of Excess Real Property

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (12–1–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

NOVEMBER 23, 1971.

§ 114–47.201–2 [Amended]

1. Section 114–47.201–2(a)(1) is amended by changing the parenthetical reference at the end thereof from "(See IPMR 114–47.50)" to "(See IPMR 114–47.8)".

2. Section 114–47.203–7 is amended to read as follows:

§ 114–47.203–7 Transfers.

(a) One copy of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property, shall be furnished the Director of Management Operations, Office of the Assistant Secretary-Management and Budget when:

(1) The request seeks to acquire excess real property without reimbursement regardless of the appraised fair market value of the property, or

(2) The request for transfer involves excess real property having a total appraised fair market value of $100,000 or more.

(b) Except as provided in IPMR 114–47.203–7(e), in paragraph (c) of this section, transfers of excess real property to Federal agencies outside of the Department of the Interior must have the prior approval of the General Services Administration. Bureaus and Offices holding excess real property which is subject to this prior approval shall refrain from making commitments to other Federal agencies regarding transfer of such property. Any inquiries received from potential transferees shall be referred to the appropriate GSA regional office for determination.

(c) FPMR 101–47.203–7(e) provides that certain categories of excess real property may be transferred by the holding agency without reference to GSA. In addition to the categories listed, Bureaus and Offices of this Department may transfer, without reference to GSA, any excess real property having an estimated fair market value of less than $1,000 in accordance with the authority delegated in 205 DM 10.3A(6).

(d) Whenever a Bureau or Office seeks to acquire excess real property without reimbursement, the certification required by FPMR 101–47.203–7(f)(2)(iii) shall be signed by an official not below the Chief Administrative Officer of the Bureau. Similarly, whenever Block 9 of GSA Form 1334 is checked to indicate that funds are not available for reimbursement for the transfer of the property, the certification in Block 10 of such form shall be signed by an official not below the Chief Administrative Officer of the Bureau.

[FR Doc.71–17503 Filed 11–30–71;8:50 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Records Available at Document Inspection Facilities

The purpose of this amendment to Part 7 of Subtitle A, Title 49, Code of Federal Regulations, is to supplement the list of NHTSA records that are available for public inspection and copying at the NHTSA document inspection facilities.

Since the amendment relates to Departmental management, procedures, and practices, notice, and public procedure thereon are unnecessary, and it may

be made effective in less than 30 days after publication in the FEDERAL REGISTER. Accordingly, this amendment is effective on the date of its publication in the FEDERAL REGISTER (12-1-71).

In consideration of the foregoing paragraphs 3 (a) and (b), Appendix H of Part 7, Title 49, Code of Federal Regulations, are amended as set forth below:

1. Paragraph 3 is amended to read as follows:

3. Records available at document inspection facilities.

(a) The following records are available at the NHTSA Headquarters document inspection facility.

* * * * *

(3) NHTSA test reports that assess manufacturers' compliance with Federal Motor Vehicle Safety Standards.

(4) Investigative reports concerning compliance with standards and possible safety-related defects.

(5) Summaries and detailed reports of motor vehicle recall campaigns.

(6) Consumer information for domestic and foreign motor vehicles on "Vehicle Stopping Distance", "Acceleration and Passing Ability", and "Tire Reserve Load."

(7) Consumers' complaint letters regarding motor vehicles.

(8) Contractors' technical reports documenting the results of research performed for NHTSA pursuant to contract.

(9) Multidisciplinary case studies on the causes of selected motor vehicle accidents.

(b) The following records are available at all NHTSA document inspection facilities:

(1) *NHTSA Orders.* * * *

(2) *NHTSA Audit Manual.* * * *

(3) *NHTSA Notices.* * * *

(4) *Motor Vehicle Safety Standards.* * * *

(5) *Highway Safety Standards.* * * *

(6) *State Highway Programs.* Reports on State highway programs presenting the proposed implementation of Federal Highway Standards on an annual and long-range basis. These reports are available at the NHTSA Headquarters document inspection facility and the appropriate Regional Administrator's Office.

* * * * *

This notice is issued under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657) and the delegation of authority at 49 CFR 7.1(c) as amended at 36 F.R. 63.

Issued on November 24, 1971.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.71-17480 Filed 11-30-71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH AND WILDLIFE

Assessment and Hearings

The Secretary of the Interior deems it in the public interest to amend 50 CFR, Part 17, § 17.13, to clarify the procedures to be followed by the Secretary in assessing civil penalties for violations of the "Lacey Act" (18 U.S.C. section 43(c)(1)(1970)) and the "Endangered Species Conservation Act of 1969," 16 U.S.C. sections 668aa-668cc-5.

Since these regulations are procedural in nature and are promulgated to obtain an immediate maximum enforcement effort by the Bureau of Sport Fisheries and Wildlife, and are intended to insure maximum compliance under the aforesaid Acts, it is determined that notice and public procedure thereon are unnecessary, impracticable, and contrary to the public interest and this amendment is effective upon publication in the FEDERAL REGISTER.

Accordingly, § 17.13 is amended to read:

§ 17.13 Assessment and hearings.

(a) Prior to the assessment of a civil penalty pursuant to section 4 of the Act or 18 U.S.C. section 43(c), a notice of proposed assessment issued by the Director shall be served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a penalty (the respondent). The notice shall contain (1) a concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute and regulations allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice shall advise the respondent that he is entitled to a hearing before the assessment is made, but that he may waive a hearing and have the assessment made without a hearing. The notice shall inform the respondent that he has 20 days from receipt of the notice in which to request a hearing or to waive it. The request or waiver shall be in writing and addressed to: Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, copy to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. The notice shall further inform the respondent that if he does not respond to the notice within the 20 days allowed, he shall be deemed to have waived his right to a hearing and to have consented to the making of an assessment without a hearing.

(b) With his request for a hearing or with his written waiver of a hearing, the respondent may submit objections to the proposed assessment. He may deny the existence of the violation or ask that no penalty be assessed or that the amount be reduced. He must set forth in full the reasons for the relief that he seeks, including a statement of all facts supporting his request.

(c) If a written waiver of a hearing is timely made, or if a hearing is deemed to have been waived as provided in paragraph (a) of this section the Secretary shall proceed to make an assessment of a civil penalty, taking into consideration such showing as may have been made by respondent pursuant to paragraph (b) of this section. If, despite the waiver of a hearing, the Secretary believes that there are material facts at issue which cannot otherwise be satisfactorily resolved, he may refer the case to a hearing examiner as provided in paragraph (e) of this section.

(d) If a request for a hearing is timely made by the respondent in accordance with paragraph (a) of this section, the Secretary shall reconsider the proposed assessment and may rescind the proposed assessment or change the amount thereof. The Secretary shall promptly notify the respondent of any recission of the proposed assessment, or of any change in the amount proposed to be assessed, or that the proposed assessment remains unchanged. Except in cases where the proposed assessment has been rescinded, the respondent may, within 15 days after receipt of the notice, notify the Secretary of the renewal of his request for a hearing. If the respondent fails to make a timely renewal of his request for a hearing, the proposed reassessment or assessment shall become final.

(e) Where a renewed request for a hearing has been timely made, or the Secretary determines, pursuant to paragraph (c) of this section, that a hearing should be held, the case shall be transmitted to the Hearings Division, Office of Hearings and Appeals, Department of the Interior, for assignment to a hearing examiner appointed pursuant to 5 U.S.C. sec. 3105. Notice of the assignment will promptly be given to the parties and thereafter all pleadings, papers, and other documents in the proceeding shall be filed directly with the examiner, with copies served on all adverse parties in the case.

(f) All hearings shall be conducted in accordance with 5 U.S.C. sec. 554. If the respondent fails to appear at the hearing, he will be deemed to have consented to a decision being rendered on the record made at the hearing. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision. Copies of the transcript may be obtained by any party from the official reporter upon payment of the charges therefor.

(g) Promptly after conclusion of the hearing, the examiner shall render a written decision, a copy of which shall be served upon each party. The examiner's decision shall constitute the final administrative decision of the Secretary of the Interior in the case.

(h) When a final assessment is made in accordance with this section, the respondent shall have 15 days from receipt of the decision within which to pay the penalty and forfeit the fish or wildlife seized. Upon a failure to pay the penalty the Secretary may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty, or he may proceed against the fish and wildlife seized to compel its forfeiture, or both.

(18 U.S.C. 43, 16 U.S.C. 668aa-668cc-5)

Effective date: Upon publication in the FEDERAL REGISTER (12–1–71).

W. T. PECORA,
Acting Secretary of the Interior.

NOVEMBER 26, 1971.

[FR Doc.71–17539 Filed 11–30–71;8:54 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Merritt Island National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 71–16069, appearing on page 21204 of the issue for Thursday, November 4, 1971, add subparagraph (7) under special conditions as follows:

(7) Hunters participating in the refuge waterfowl hunts will be required to sign the following statement: "As a condition of the U.S. Department of the Interior, Bureau of Sport Fisheries and Wildlife, granting the bearer hereof the privilege of hunting on Merritt Island National Wildlife Refuge, the undersigned hereby consents to allow any authorized agent of the Bureau of Sport Fisheries and Wildlife permission to search his person, vehicle, boat, and/or any other means of transportation used by the grantee, including weapons and any personal belongings used or associated with the taking of wildlife upon Merritt Island National Wildlife Refuge."

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 23, 1971.

[Doc. 71–17505 Filed 11–30–71;8:50 am]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Ill., Iowa, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12–1–71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS—IOWA—MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Ill., Iowa, and Mo., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,457 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Calhoun and Batchtown Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1972, through October 15, 1972, with the exception of certain designated areas which are open until December 31, 1972.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1972, through October 15, 1972.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1972, through October 15, 1972.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1972, through September 30, 1972, with the exception of areas adjacent to the Port Louisa road which are open until December 31, 1972.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1972, through December 31, 1972.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1972, through September 30, 1972, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1972, through December 31, 1972.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1972.

DON E. ADAMS,
Acting Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Illinois.

NOVEMBER 18, 1971.

[FR Doc.71–17506 Filed 11–30–71;8:50 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Recognizing that certain actions of the Federal Trade Commission might significantly affect the quality of the environment, the Federal Trade Commission hereby establishes the procedures by which it will exercise its responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969.

Sec.
1.81 Authority.
1.82 Declaration of policy.
1.83 Implementing procedures.
1.84 Review.
1.85 Effect on prior actions.

AUTHORITY: The provisions of this Subpart I issued under sec. 102(2)(C), National Environmental Policy Act, 1969, Public Law 91–190; E.O. 11514; CEQ Guidelines.

§ 1.81 Authority.

(a) Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, which is implemented by Executive Order 11514, and Guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) (hereinafter referred to as "CEQ Guidelines") require all Federal agencies including the Federal Trade Commission to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official on:

(1) The environmental impact of the proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(b) The above-cited authority further prescribes that, prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal or State agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies shall be made available to appropriate officials and the public, and shall accompany the proposal through the existing agency processes.

§ 1.82 Declaration of policy.

(a) No Commission rule or guide which constitutes a major action significantly affecting the environment shall be promulgated unless an environmental statement has been prepared for consideration in the decisionmaking.

(b) No Commission legislative proposal or Commission legislative report on a legislative proposal in an area in which the Commission has statutory responsibility concerning matters which significantly affect the environment will be submitted without an accompanying environment impact statement.

(c) A statement will not accompany such action where the Commission finds that expeditious action is in the public interest. In such instance, the Commission will consult with the CEQ as provided in section 10(d) of the CEQ Guidelines and shall develop a statement promptly after the action.

(d) Nothing in this procedure shall be construed as stating or implying that the requirements of section 102(2)(C) of the National Environmental Policy Act apply to: Any investigation made by the

Commission for law enforcement purposes; any process or order issued by the Commission in connection with any type of investigation; any agreement of voluntary compliance or consent decree entered into by the Commission; or any adjudicatory proceedings commenced by the Commission.

§ 1.83 Implementing procedures.

(a) *Rules and guides.* (1) The Directors of the Bureaus of Consumer Protection and Competition shall establish procedures for their bureaus to assure that all proposed rules and guides being developed within their respective areas of responsibility are reviewed to assess the need for statements on the impact on the environment, and that, where a need is found, a statement is developed.

(2) All proposed rules and guides shall be reviewed at the earliest opportunity by the appropriate heads of the initiating staff units to determine whether the rule or guide might relate to, or involve, environmental considerations. Staff recommendations to the Commission proposing the initiation of a proceeding to determine whether a rule or guide should be promulgated shall include an assessment of the anticipated environmental impact, if any. The criteria prescribed in subsections 5 (b) and (c) of the CEQ Guidelines shall be used in determining if an action will have a significant effect on the environment.

(3) The Commission shall make the final determination whether the proposed Commission proceeding may be a major action significantly affecting the quality of human environment. Upon the determination by the Commission that a proposed rule or guide may have a significant effect on the quality of human environment, the staff will prepare a draft statement which shall become part of the public record as provided hereinafter.

(4) Concurrent with publication in the FEDERAL REGISTER of a proposed rule or guide wherein the potential for a significant effect on the environment has been identified, draft statements will accompany the proposed rule or guide in the FEDERAL REGISTER and will be circulated by the Commission to appropriate officials and agencies, within and outside the Federal Government, with jurisdiction by law or special expertise with respect to any environmental impact involved. Whenever appropriate, the clearinghouse mechanism No. A-95 (July 24, 1969) shall be utilized.

(5) Thirty days will be allowed for comment on draft statements of environmental impact. If no statements are filed within this period, it will be presumed that, unless an agency consulted requests an extension of time, the agencies consulted have no comment. To the extent possible, 30 days will be allowed for comment after the text of the final statement on proposed action affecting the environment has been made available. In no event will a final rule or guide be promulgated prior to 90 days after circulation of the draft statement. When emergency circumstances make such periods impossible, the Commission will consult with the Council as provided in section 10(d) of the CEQ Guidelines.

(6) Draft statements of environmental impact and final statements on proposed action affecting the environment, along with comments received on draft statements, will be made available to the President by transmission to the Council on Environmental Quality, as provided in section 10(b) of the CEQ Guidelines.

(7) The draft statements, comments, and views obtained with respect to them, and final environmental impact statements will be made available to the public in accordance with the Commission's procedures and rules of practice at the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580. They will also be made available through the National Technical Information Service of the Department of Commerce, Springfield, Va. 22151. Public comment received before the closing of the record in a proceeding to promulgate a rule or guide will become part of that record.

(b) *Legislation.* (1) The General Counsel shall establish procedures to assure that legislative proposals and legislative reports on matters for which the Commission has statutory responsibility are reviewed to assess the need for statements on the impact on the environment and that, where a need is found, a statement is developed. Such statements shall be finally approved by the Commission.

(2) The proposed section 102(2)(C) statements and the required comments shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. At the same time, copies of this material shall be furnished directly to the Council on Environmental Quality for its information.

(3) After differences with other agencies over the legislative proposal or report have been resolved, the Commission will put the section 102(2)(C) statement in final form (including such comments and views of the appropriate Federal, State, and local agencies as are pertinent). The final statement and comments shall accompany the proposal or report to the Congress as supporting material. Copies of this final material shall be furnished directly to the Council on Environmental Quality.

§ 1.84 Review.

(a) The General Counsel has been assigned the responsibility for coordinating the Commission's efforts to improve environmental quality and is hereby designated the official responsible for the Commission's statements as specified in subsection 3(a)(3) of the CEQ Guidelines. He shall provide guidance and assistance to operating units in determining when a statement is needed and in preparing the necessary environmental statements. As part of this overall responsibility, he is charged with reviewing environmental statements prepared by the staff to assure that such statements comply with the CEQ Guidelines. In the event he finds that a statement is not adequate, he shall recommend to the Commission that the action not be taken until the proper adjustment is made.

(b) The Commission shall review the staff proposal and the recommendation of the General Counsel to finally determine whether the action complies with the National Environmental Policy Act of 1969.

§ 1.85 Effect on prior actions.

With respect to those proceedings already in progress, the Commission recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings to which these guidelines apply which are already in progress.

Effective upon publication in the FEDERAL REGISTER (12-1-71).

By direction of the Commission dated November 19, 1971.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17545 Filed 11-30-71;8:54 am]

[Docket No. C-2069]

PART 13—PROHIBITED TRADE PRACTICES

Benge Corp. and Donald Benge

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Maintaining resale prices: § 13.1140 *Cutting off supplies;* § 13.1145 *Discrimination:* 13.1145-5 Against price cutters. § 13.-1165 *Systems of espionage:* 13.1165-90 Spying on and reporting price cutters, in general.

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Benge Corp., et al., Los Angeles, Calif., Docket No. C-2069, Oct. 26, 1971]

In the Matter of Benge Corp., a Corporation and Donald Benge, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer and seller of musical instruments to cease requiring their dealers to maintain respondents' specified resale prices as a condition of buying respondents' products, and requiring dealers to report others who do not maintain respondents' prices; respondents are also required to advise a terminated dealer that he may apply for reinstatement.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Benge Corp., a corporation, its subsidiaries, successors, assigns, officers, directors, agents,

representatives and employees individually or in concert, directly or through any corporate or other device, and Donald Benge, individually and as an officer of said corporation, in connection with the manufacture, distribution, offering for sale or sale of musical instruments and accessories in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from hindering, suppressing, or eliminating competition or from attempting to hinder, suppress, or eliminate competition between or among dealers handling respondents' products by:

1. Requiring dealers to agree that they will resell at prices specified by respondents or that they will not resell below or above specified prices;

2. Requiring prospective dealers to agree, through direct or indirect means, that they will maintain respondents' specified resale price as a condition of buying respondents' products;

3. Requiring dealers, either directly or indirectly, to report any person or firm who does not observe the resale prices suggested by respondents or acting on reports so obtained by refusing or threatening to refuse sales to the dealer so reported;

4. Harassing and intimidating, coercing or threatening dealers, either directly or indirectly, to observe, maintain or advertise established retail prices;

5. Directing or requiring respondents' salesmen or any other agents, representatives or employees, directly or indirectly, as part of any plan or program of requiring its dealers to adhere to its suggested resale prices to report dealers who do not observe such suggested resale prices or to act on such reports by refusing or threatening to refuse sales to dealers so reported;

6. Requiring from dealers charged with price cutting or failure to observe suggested resale prices promises or assurances of observance of respondents' resale prices as a condition precedent to future sales to said dealer;

7. Publishing, disseminating, or circulating to any dealer any price lists, price books, price tags or other documents indicating any resale or retail prices without stating on such lists, books, tags or other documents that the prices are suggested or approximate;

8. Utilizing any other corporate means of accomplishing the maintenance of resale prices established by respondents.

Provided however, nothing herein shall be construed to waive, limit or otherwise affect the right of respondents to enter into, establish, maintain and enforce, in any lawful manner, any price maintenance agreement excepted from the provisions of section 5 of the Federal Trade Commission Act by virtue of the McGuide Act Amendments to said Act and any other applicable statutes, whether now in effect or hereinafter enacted.

Is is further ordered, That the respondents herein shall within sixty (60) days after service upon it of this order, mail a copy of the letter annexed hereto as Exhibit A[1] to each of its dealers in the several States and furnish the Commission proof of the mailing thereof.

It is further ordered, That the respondents herein shall:

1. Within sixty (60) days after service upon it of this order send the dealer terminated between January 1, 1968 and the date hereof and listed in Exhibit B[1] annexed hereto (such list of terminated dealer having been previously verified by the staff of the Federal Trade Commission) a letter advising him that he may apply within thirty (30) days from receipt of that letter for reinstatement as a dealer;

2. Upon receipt of such application promptly reinstate such dealer.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions and to all of its sales personnel and shall instruct each sales person employed by it now or in the future to read this order and to be familiar with its provisions.

It is further ordered, That respondent Benge Corp. notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries, or any other change in the corporation.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order.

Issued: October 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 71-17519 Filed 11-30-71;8:51 am]

[Docket No. C-2068]

PART 13—PROHIBITED TRADE PRACTICES

Bridie Corp. and John M. Matthews

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act: Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, The Bridie Corp. et al., Bridgehampton, N.Y., Docket No. C-2068, Oct. 26, 1971]

In the Matter of The Bridie Corp., a Corporation, and John M. Matthews, Individually and as an Officer of Said Corporation

Consent order requiring a Bridgehampton, N.Y., real estate firm to cease violating the Truth in Lending Act by failing to use the terms cash price, cash downpayment, unpaid balance of cash price, amount financed, failing to notify customers so entitled to their right to rescind, and in its consumer credit transactions failing to make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents the Bridie Corp., a corporation, and its officers, and John M. Matthews, individually and as an officer of said corporation, and respondents' subsidiaries, divisions, successors, assigns, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of real property, or any advertisement to aid, promote or assist directly or indirectly any consumer credit sale of real property, as "credit sale" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents offer, in the regular course of business, to sell for cash the property which is the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

6. Failing to provide each customer who has the right to rescind with two

[1] Copies of Exhibits A and B available at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW., Washington, DC.

copies of the notice prescribed by § 226.9(b) of Regulation Z, as required by that section.

7. Failing to make all of the prescribed disclosures together on either the note or other instrument evidencing the obligation, on the same side of the page and above or adjacent to the place for the customer's signature, or on one side of a separate statement which identifies the transaction, as required by § 226.8(a) (1) and (2).

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: October 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17520 Filed 11-30-71;8:51 am]

[Docket No. C-2072]

PART 13—PROHIBITED TRADE PRACTICES

Carson-Roberts, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Contents;* § 13.110 *Endorsements, approval and testimonials;* § 13.142 *Operation.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carson-Roberts, Inc., et al., Los Angeles, Calif., Docket No. C-2072, Nov. 1, 1971]

In the Matter of Carson-Roberts, Inc., a Corporation

Consent order requiring a los Angeles, Calif., advertising agency representing a Hawthorne, Calif., toy manufacturer to cease using in any broadcast advertisement involving its customers' toy products or in print or package advertising, addressed to children, any distortion of the toys' performance, using fanciful or misleading brand names, or making other deceptive exaggeration concerning the performance of the toys.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Carson-Roberts, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising of any toy in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Portraying or describing in a broadcast advertisement addressed to children the performance, operation or use of such products by or through the use of:

(a) Any film or camera techniques which result in any visual perspective of such product which purports to be but is not one which a child can experience in the ordinary use of such product, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(b) Any sequence of different visual perspectives which purports to depict perspectives which a child can experience but which changes faster than a child can change his visual perspectives in the ordinary use of such product, when the effect of such sequence in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(c) Any visual perspective which purports to depict the actual performance of a particular function of the product and which differs substantially from the length of time required to perform that function, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(d) Camera overcranking or undercranking to depict a performance characteristic of such product which does not exist or cannot be perceived under ordinary conditions of the product's use, unless the fact of the use of such technique is established, if the effect of the failure to establish the use of such technique in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups.

2. Using in broadcast advertising of such products, addressed to children, any endorsements or other similar statements as to the worth, value or desirability to children of any such product, by any living person, persons, group or organization when such endorsements are offered on the basis of or in connection with any experience, special competence or expertise which the public may reasonably be expected to associate with such person, persons, group or organization unless the person, persons, group or organization making the statement has acquired a degree or type of experience, special competence, or expertise which qualifies him or it to form the judgments expressed.

Provided, that this paragraph shall not prohibit the use of a product name or likeness which includes the name or likeness of any person, persons, group or organization, or things, or the advertisement of any such product in any manner not prohibited by this order.

3. Portraying or describing in any broadcast advertisement two or more of such products which are sold or distributed under the fanciful brand name Hot Wheels or other similar fanciful brand name, used on more than one such product, if such products must be purchased separately, unless such advertisement establishes which of the products advertised therein must be purchased separately.

4. Commencing the production and causing the exhibition or distribution, within any twelve (12) month period following the date on which this order becomes final of two (2) or more broadcast advertisements in the same medium for toys advertised, distributed or sold under the fanciful brand name Hot Wheels or other similar fanciful Mattel, Inc., brand name if the toys therein advertised in said twelve (12) month period would reasonably be expected by purchasers to be, but are not, compatible in use and function with one another under ordinary conditions of use, unless the latter of such two (2) or more advertisements in said twelve (12) month period establishes that the toy or toys advertised under the same fanciful Mattel, Inc., brand name advertised therein are either (a) not intended for use with all of the other toys or categories of toys advertised under the same fanciful Mattel, Inc., brand name in the earlier advertisement or advertisements in said twelve (12) month period or (b) intended for use with less than all of the other toys or categories of toys advertised under the same fanciful Mattel, Inc., brand name in the earlier advertisement or advertisements in said twelve (12) month period.

It is further ordered, That the provisions of paragraphs one (1) through four (4) of this order shall not become final and effective against respondent Carson-Roberts, Inc., unless and until an order containing similarly restrictive provisions

as to the respondent becomes final and effective against Dancer-Fitzgerald-Sample, Inc.

It is further ordered, That the respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order.

Issued November 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17524 Filed 11-30-71;8:52 am]

[Docket No. C-2070]

PART 13—PROHIBITED TRADE PRACTICES

Computer Credit Systems, Inc., and George H. Naterman

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-20 Business methods and policies; 13.15-70 Financing activities; 13.15-180 Location; 13.15-250 Qualifications and abilities; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice;* § 13.1417 *Financing activities;* § 13.1475 *Location;* § 13.1535 *Qualifications;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; § 13.1647 *Guarantees;* Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

[Cease and desist order, Computer Credit Systems, Inc., et al., Atlanta, Ga., Docket No. C-2070, Oct. 26, 1971]

In the Matter of Computer Credit Systems, Inc., a Corporation, and George H. Naterman, Individually and as an Officer of Computer Credit Systems, Inc.

Consent order requiring an Atlanta, Ga., seller of credit card services to franchisees who in turn sell retail merchants memberships in respondents' services to cease violating the Truth in Lending Act by failing to make the disclosures required by Regulation Z of the Act; respondents are also required to cease misrepresenting the number of sales a franchisee can make in a given geographic area, that a franchisee needs no skill or training, that franchise holders receive substantial benefits from the respondent organization, that they will receive assistance if they fall below their monthly quota, and making other similar misrepresentations in selling and servicing their franchises; respondents are also required to cease using simulated legal processes in efforts to collect monies owned by consumers on charges submitted by member merchants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Computer Credit Systems, Inc., a corporation, and its officers, and George H. Naterman, individually and as an officer of the said corporation, and respondents' franchisees, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale or sale of franchises or credit card services, or any other products or services, or in the operation of any credit card service or other business in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or by implication:

1. (a) Representing that franchisees can expect to or will make any number of sales; or representing, in any manner, the number of sales made in the past by franchisees unless in fact the number of past sales represented are those of a substantial number of franchisees in the geographical area in which such representations are made and accurately reflect the average number of sales of these franchisees under circumstances similar to those of the person to whom the representation is made.

(b) Representing that franchisees will earn or receive any stated gross or net amount of earnings or profits; or representing, in any manner, the past earnings of franchisees unless in fact the past earnings represented are those of a substantial number of franchisees in the geographical area in which such representations are made and accurately reflect the average earnings of these franchisees under circumstances similar to those of the person to whom the representation is made.

2. Representing that franchisees can expect to remain active franchisees selling memberships for many years; or representing, in any manner, the longevity or tenure of past or existing franchisees unless in fact the periods of time represented are those during which sales efforts were actively pursued by a substantial number of franchisees in the geographical area in which the representations are made.

3. Representing that respondents' program can be sold with ease to retail merchants; or misrepresenting, in any manner, the saleability of respondents' program or the acceptance of respondents' program.

4. Representing that any geographical area offered as a franchise has not been previously franchised by the respondents unless in fact the said geographical area has not been previously franchised by the respondents.

5. Representing that a franchisee needs no skill, knowledge, prior training, or experience to operate a successful franchise, unless the prospective franchisee is fully and completely apprised of all facts and responsibilities of operating respondents' franchise.

6. Falsely representing that there is a "regional manager" or other sales representative of respondents who is interviewing other franchise applicants or persons who are interested in the same area as are prospective franchisees; or that prospective franchisees must act immediately in order to be considered for a franchise; or misrepresenting, in any manner, the nature and extent of interest or the number of other applications for any franchise area.

7. Representing that franchise holders receive substantial benefits from bookkeeping charges or bonuses based on a percentage of net credit charges submitted by members; or representing, in any manner, benefits of franchisees which are dependent upon the actions of members, unless the benefits represented are those received by substantial numbers of the franchise holders under circumstances similar to those of the person to whom the representation is made.

8. (a) Representing that prospective franchisees risk losing little or nothing in investing in a respondents' franchise;

(b) Representing that respondents will repurchase franchises without contemporaneously, clearly and conspicuously disclosing in the franchise contracts or agreements the price at which the respondents will repurchase;

(c) Representing that respondents will aid or assist in the resale of franchises without contemporaneously, clearly and conspicuously disclosing in the franchise contract or agreement the amount of the resale purchase price which the respondents will retain.

9. (a) Representing that the respondent will not exercise their right to terminate franchises for failure to maintain minimum monthly sales quotas as is provided in the respondents' franchise agreements; or misrepresenting, in any manner, the actions to be taken by the proposed respondents under its franchise agreements.

(b) Representing that the respondents will provide direct sales assistance to franchisees in the event the franchisees should fail to maintain their minimum monthly sales quota; or misrepresenting, in any manner, the sales and other assistance and training to be furnished or made available to the franchisees and their employees.

10. Representing, in any manner, that respondents' program has received national acceptance; or misrepresenting, in any manner, the extent or degree of acceptance or approval of respondents' program.

11. Representing that there are thousands of members honoring all credit cards each and every month under respondents' program; or representing, in any manner, the number of members in respondents' program unless the number represented is the average number of members who actually accepted credit charges under the program and submitted payment vouchers therefor during the 12-month period preceding the month when the representation is made; or misrepresenting, in any manner, the nature and extent of respondents' membership.

12. Representing that all credit charges submitted under respondents' program are guaranteed payable or are payable without recourse; or that respondents assume all risk of nonpayment by members' customers; or that members can expect to be successful or satisfied with the performance of the respondents' program; or that members usually continue using respondents' program for more than 1 year.

13. Representing that respondents' program is economically feasible for members; or that the use of the program will result in increased sales volume for members; or that the program cost less than competing bank credit card programs; or misrepresenting, in any manner, the cost or profitability of respondents' program to members.

14. Representing that members complete just one simple form for all credit charges; or misrepresenting, in any manner, the procedures necessary to process credit charges and receive payment therefor; or failing to disclose contemporaneously, clearly or conspicuously any and all reasons which will preclude receipt of full payment of credited charges submitted by members.

15. Representing that members receive payment on or about the 25th of every month for each credit charge submitted to and processed by the respondents before the 10th of the same month; or misrepresenting, in any manner, the period of time in which members will receive payment for credit charges submitted to the respondents.

16. Representing that respondents have available a $5 million fund to provide financial resources and ability to service members; or representing, in any manner, the state of respondents financial resources, without disclosing the exact amount of net working capital as determined by an independent audit as of the end of the last completed fiscal period preceding the time the representation is made.

It is further ordered, That respondents' Computer Credit Systems, Inc., a corporation, and its officers, and George H. Naterman, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), to forthwith cease and desist from:

1. Failing to employ the terms "finance charge", "annual percentage rate," "periodic rate" (or "rates"), as required by § 226.7(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge," where required by Regulation Z to be used, more conspicuously than other required terminology as set forth in § 226.6(a) of Regulation Z.

3. Failing to disclose the conditions under which any charges other than the finance charge may be imposed, and the method by which they will be determined, as required by § 226.7(a)(6).

4. Failing to employ the term "previous balance" to describe the outstanding balance in the account at the beginning of the billing cycle, as required by § 226.7(b)(1) of Regulation Z.

5. Failing to employ the term "payments" to describe the amounts credited to the account during the billing cycle for payments, as required by § 226.7(b)(3) of Regulation Z.

6. Failing to employ the term "finance charge" to describe the amount of any finance charge debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, as required by § 226.7(b)(4).

7. Failing to disclose the periodic rate (or rates) that may be used to compute the finance charge (whether or not applied during the billing cycle), as required by § 226.7(b)(5) of Regulation Z.

8. Failing to employ the term "annual percentage rate" (or "rates"), as required by § 226.7(b)(6) of Regulation Z.

9. Failing to include a statement of how the balance upon which the finance charge was computed is determined, as required by § 226.7(b)(8) of Regulation Z.

10. Failing to employ a statement accompanying the term "new balance" indicating the date by which or the period, if any, within which payments must be made to avoid additional finance charges as required by § 226.7(b)(9) of Regulation Z.

11. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That the respondents, in connection with their efforts to collect monies owed by consumers on charges submitted by member merchants and accepted by the respondents, cease and desist from the use of written debt collection notices which:

1. Simulate legal process.

2. Contain representations of creditors' rights after judgment to collect the principal, interest and cost without disclosing that judgment may not be entered against the debtor unless he has first had an opportunity to appear and defend himself in a court of law.

It is further ordered, That respondents incident to selling their franchises and credit card services:

(a) Inform orally all persons to whom solicitations are made and provide in writing in all applications and contracts that the application or contract may be canceled for any reason by notification to the respondents in writing within seven (7) days from the date of execution.

(b) Refund immediately all monies to (1) all persons who request cancellation of the application or contract within seven (7) days from the execution thereof, and (2) all persons who henceforth pay any monies for franchise fees, deposits or down payments on franchises, membership fees, membership dues or discount fees and who show that respondents' solicitations, applications, contracts or performance are or were attended by or involved violations of any of the provisions of this order.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale of any product or service, and in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing,

setting forth in detail the manner and form in which they have complied with this order.

Issued: October 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17521 Filed 11-30-71;8:51 am]

[Docket No. C-2074]

PART 13—PROHIBITED TRADE PRACTICES

Dancer-Fitzgerald-Sample, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.110 *Endorsements, approval and testimonials;* § 13.142 *Operation.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1057 *Packaging deceptively.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, Topper Corp. et al., Elizabeth, N.J., Docket No. C-2074, Nov. 1, 1971]

In the Matter of Dancer-Fitzgerald-Sample, Inc., a Corporation

Consent order requiring a New York City advertising agency representing an Elizabeth, N.J., toy manufacturer to cease using in any broadcast advertisement involving its customers' toy products or in print or package advertising, addressed to children, any distortion of the toys performances, using fanciful or misleading brand names, or making other deceptive exaggerations concerning the performance of the toys.

The order to cease and desist, including further order requiring a report of compliance therewith, is as follows:

It is ordered, That Dancer-Fitzgerald-Sample, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising of any toy in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Portraying or describing in a broadcast advertisement addressed to children the performance, operation or use of such products by or through the use of:

(a) Any film or camera techniques which result in any visual perspective or such product which purports to be but is not one which a child can experience in the ordinary use of such product, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(b) Any sequence of different visual perspectives which purports to depict perspectives which a child can experience but which changes faster than a child can change his visual perspectives in the ordinary use of such product, when the effect of such sequence in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(c) Any visual perspective which purports to depict the actual performance of a particular function of the product and which differs substantially from the length of time required to perform that function, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(d) Camera overcranking or undercranking to depict a performance characteristic of such product which does not exist or cannot be perceived under ordinary conditions of the product's use, unless the fact of the use of such technique is established, if the effect of the failure to establish the use of such technique in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups.

2. Portraying or describing the appearance of such a product through the use of a star filter lens to photograph the product, when the effect of the use of such device in the context of the advertisement as a whole is to misrepresent the product's appearance.

3. Representing that the hood or doors of any Johnny Lightning car open or close unless such is the fact.

4. Using in broadcast advertising of such products, addressed to children, any endorsements or other similar statements as to the worth, value or desirability to children of any such product, by any living person, persons, group or organization when such endorsements are offered on the basis of or in connection with any experience, special competence or expertise which the public may reasonably be expected to associate with such person, persons, group or organization unless the person, persons, group or organization making the statement has acquired a degree or type of experience, special competence, or expertise which qualifies him or it to form the judgments expressed.

Provided, that this paragraph shall not prohibit the use of a product name or likeness which includes the name or likeness of any person, persons, group or organization, or things, or the advertisement of any such product in any manner not prohibited by this order.

5. Portraying or describing in any broadcast advertisement two or more of such products which are sold or distributed under the fanciful brand name Johnny Lightning or other similar fanciful brand name, used on more than one such product, if such products must be purchased separately, unless such advertisement establishes which of the products advertised therein must be purchased separately.

6. Commencing the production and causing the exhibition or distribution, within any twelve (12) month period following the date on which this order becomes final of two (2) or more broadcast advertisements in the same medium for toys advertised, distributed or sold under the fanciful brand name Johnny Lightning or other similar fanciful Topper Corp. brand name if the toys therein advertised in said twelve (12) month period would reasonably be expected by purchasers to be, but are not, compatible in use and function with one another under ordinary conditions of use, unless the later of such two (2) or more advertisements in said twelve (12) month period establishes that the toy or toys advertised under the same fanciful Topper Corp. brand name advertised therein are either (a) not intended for use with all of the other toys or categories of toys advertised under the same fanciful Topper Corp. brand name in the earlier advertisement or advertisements in said twelve (12) month period or (b) intended for use with less than all of the other toys or categories of toys advertised under the same fanciful Topper Corp. brand name in the earlier advertisement or advertisements in said twelve (12) month period.

It is further ordered, That the provisions of paragraphs one (1), four (4), five (5), and six (6) of this order shall not become final and effective against respondent Dancer-Fitzgerald-Sample, Inc., unless and until an order containing similarly restrictive provisions as to the respondent becomes final and effective against Carson-Roberts, Inc.

It is further ordered, That the respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the

manner and form in which it has complied with the provisions of this order.

Issued: November 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc 71-17526 Filed 11-30-71;8:52 am]

[Docket No. C-2076]

PART 13—PROHIBITED TRADE PRACTICES

Helix Marketing Corp. et al.

Subpart—Advertising falsely or misleading: § 13.15 *Business status, advantages or connections:* 13.15-30 Connections or arrangements with others; § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.120 *Legality or legitimacy.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections or arrangements with others;* Misrepresenting oneself and goods—Goods: § 13.-1615 *Earnings and profits;* § 13.1647 *Guarantees:* § 13.1675 *Law or legal requirements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings:* § 13.2132 *Exclusive territory.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Simulating another or product thereof: § 13.-2208 *Court documents.* Subpart—Using misleading name—Goods: § 13.2285 *Connections and arrangements with others.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Helix Marketing Corp. et al., New York City, Docket No. C-2076, Nov. 3, 1971]

In the Matter of Helix Marketing Corp., a Corporation, Gramont Co., Inc., a Corporation, the Helix Co., Inc., a Corporation, Royal Crown Hosiery Co. of Illinois, Inc., a Corporation, Royal Crown Hosiery Co., a Corporation, Gramont Co., Inc. of Philadelphia, a Corporation, Gramont Co. Inc., a Corporation, Gramont Co., Inc. of St. Louis, a Corporation, the Helix Co., Inc., a Corporation, Royal Crown Co., Inc., a Corporation, William T. Comfort, Jr. and Jacob M. Levine, Individually and as Officers or Directors of Said Corporations or Any of Them

Consent order requiring a New York City seller of articles of wearing apparel and nine affiliated firms in other cities who sell their goods to individuals, some 3,000 "personal shoppers," who in turn sell to the consuming public to cease misrepresenting the amount of money respondents' customers can earn, failing to disclose the liability of the customer for the goods in his possession, making threats of legal action against delinquent debtors through the use of spurious documents and by phone calls and letters, and failing to maintain adequate records documenting any matter covered in this order.

The order[1] to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Helix Marketing Corp., a corporation, and its officers, Gramont Co., Inc., a corporation, and its officers, the Helix Co., Inc., a corporation, and its officers, Royal Crown Hosiery Co. of Illinois, Inc., a corporation, and its officers, Royal Crown Hosiery Co., a corporation, and its officers, Gramont Co., Inc., of Philadelphia, a corporation, and its officers, Gramont Co., Inc., a corporation, and its officers, Gramont Co., Inc. of St. Louis, a corporation, and its officers, the Helix Co., Inc., a corporation and its officers, Royal Crown Co., Inc., a corporation, and its officers, and William T. Comfort, Jr., and Jacob Levine, individually and as officers or directors of said corporations or any of them, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of articles of wearing apparel or other products, or the collection or attempted collection of delinquent or other accounts, and the general operation of its business, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any customer can earn $3 an hour or more, or $68 or $72 a week, or any other amounts in excess of those which are normally or customarily earned by said customers under normal conditions or circumstances in the ordinary course of business.

(b) Persons answering respondents' advertisements may earn money other than by the canvassing and the direct solicitation of orders.

(c) Respondents will contact, by mail or otherwise, persons in the neighborhood of respondents' customers unless said contacts are, in fact, made, and result in substantial retail sales to respondents' customers.

(d) Exclusive sales territories are granted to customers.

2. Failing to clearly and conspicuously, in the language commonly used by the signer, disclose on guarantee or similar forms, that the person signing such form is, or may be liable for any debt, default or obligation of the principal obligor or others.

3. Representing, directly or by implication, that:

(a) A delinquent debtor's wages will be or may be garnisheed unless payment is made.

(b) Helix, Royal Crown, or any other subsidiary, parent or division, are independent collection agencies.

(c) Legal action will be or may be taken against a delinquent debtor unless payment is made on a delinquent account.

(d) Legal action has been taken and suit filed against a delinquent debtor.

(e) Collection costs are or may be increased due to the preparation of credit reports, transfer to a collection agency, or by any other means.

(f) A delinquent debtor's name will be or may be sent to a credit bureau unless payment is made.

(g) Accounts are or may be turned over to collection agencies.

(h) A delinquent debtor is being contacted by an attorney when the call or letter originates from respondents' offices.

(i) Criminal prosecution will or may result if payment is not made on a delinquent account.

4. Using, for the purpose of collecting payment on delinquent accounts, letters purporting to be sent from an independent collection agency.

5. Sending to delinquent debtors notices, summonses, and other like documents, purporting to be legal documents having to do with the collection of said sums but which are in fact fictitious and not legal documents.

6. Using or employing any false or fictitious forms, documents, or threats of suits at law, for the purpose of collecting alleged delinquent accounts.

7. Failing to maintain adequate records which will furnish full particulars as to any action taken in any matter which is covered by a prohibition contained in this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, or any of them, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents distribute a copy of this order to all operating divisions and subsidiaries of said corporations and also distribute a copy of this order to each and all of respondents' employees concerned with the promotion, sale and distribution of merchandise to respondents' customers.

It is further ordered, That respondents distribute a copy of this order to all current customers who have purchased merchandise from respondents within 30 days preceding the effective date of this order. It is ordered that a copy of this order, attached hereto, prepared in the Spanish language, be distributed to all of respondents' Spanish speaking customers.

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 3, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17528 Filed 11-30-71;8:52 am]

[1] Copies of the order written in Spanish are available at the Federal Trade Commission Building, Sixth and Pennsylvania Ave. NW.

[Docket No. C-2067]

PART 13—PROHIBITED TRADE PRACTICES

Kroger Co. and Federated Department Stores, Inc.

Subpart—Acquiring stock or assets: § 13.5 *Acquiring stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, The Kroger Co. et al., Cincinnati, Ohio, Docket No. C-2067, Oct. 26, 1971]

In the Matter of The Kroger Co., a Corporation, and Federated Department Stores, Inc., a Corporation

Consent order requiring the Nation's third largest chain supermarket headquartered in Cincinnati, Ohio, to divest three of its food departments in stores located in Dayton, Ohio, and for a period of ten (10) years not to acquire without prior Commission approval five (5) or more stores with annual sales of more than $5 million or more than 5 percent of the foodstore sales in any city or county in the United States; these prohibitions apply in sixteen (16) States and certain portions of four (4) others.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That within nine (9) months from the effective date of this order, respondent The Kroger Co. (Kroger) shall cease operating the food departments in each of the premises in Dayton, Ohio, leased to Kroger by the leases executed by Kroger, as tenant, and Federated Department Stores, Inc. (Federated), as landlord, on May 22, 1970, and Kroger shall not thereafter resume operation of the food departments in any of said premises at any time during the term of said leases, including any renewal term thereof; and Federated shall take no action to require Kroger to continue to operate or resume operation of the said premises after the effective date of this order, and shall cooperate with Kroger in Kroger's cessation of the aforesaid operation within the said nine (9) month period. Any assignment of the aforesaid leases, or any new leases of the aforesaid premises for operation as food departments commencing upon the termination of Kroger's operation of those premises, to any foodstore chain having more than $500 million annual foodstore sales or more than five percent (5%) of the Dayton, Ohio, marketing area foodstore sales (according to the Fairchild Publications' "1971 Distribution of Food Store Sales In 288 Cities"), shall be subject to prior approval by the Commission; any such assignment or new lease to any other party engaged in the operation of foodstores shall not be consummated without providing ten (10) days' prior notification to the Commission.

II. *It is further ordered,* That;

(A) For a period of ten (10) years from the effective date of this order, to the extent specified in subparagraphs (B) and (C) below, Kroger shall not merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, except with the prior approval of the Commission upon written application, the whole or any part of any foodstore or the whole or any part of a food department in a nonfoodstore, where such acquisition involves:

(1) Five (5) or more foodstores or food departments in nonfoodstores, or

(2) Annual foodstore or food department sales of more than five million dollars ($5,000,000), or

(3) Combined (Kroger and the foodstores or food departments to be merged or acquired) foodstore or food department sales of more than five percent (5%) of total foodstore sales in any city or county in the United States.

(B) The prohibition contained in subparagraph (A) shall apply to any merger or acquisition of foodstores or food departments in nonfoodstores located in the following described areas of the United States: The States of Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Tennessee, West Virginia, Wisconsin; those portions of the States of Pennsylvania and Virginia west of the 78th meridian; that portion of the State of Texas east of the 100th meridian; and those portions of the State of California located south of an east-west line through the northern boundary of the city of Fresno and within the Standard Metropolitan Statistical Areas of San Francisco-Oakland and Stockton.

(C) The prohibition contained in subparagraph (A) shall also apply to any merger or acquisition of foodstores or food departments in nonfoodstores located in any city or county in those portions of the United States not described in subparagraph (B), if Kroger is then operating any foodstores or food departments in nonfoodstores in such city or county.

(D) For a period of ten (10) years from the effective date of this order, Kroger shall not merge with or acquire, directly or indirectly, through subsidiaries or in any other manner, any foodstore or food department in a nonfoodstore for which prior approval is not required pursuant to subparagraphs (A)-(C) without providing sixty (60) days' prior notification to the Commission, or, when the time schedule does not permit such notification, without providing a letter to the Commission within ten (10) days after the agreement or understanding in principle is reached, stating that the time schedule does not permit sixty (60) days' prior notification and setting forth the reasons why such prior notification cannot be made; *Provided, however,* That for mergers or acquisitions involving not more than four (4) foodstores or food departments in nonfoodstores and representing annual foodstore or food department sales of not more than five million dollars ($5,000,000), notification to the Commission shall be provided within thirty (30) days following the consummation of such merger or acquisition.

III. *It is further ordered,* That, within sixty (60) days from the effective date of this order, and every sixty (60) days thereafter until Part I of this order has been fully complied with, Kroger and Federated shall each submit a verified written report to the Federal Trade Commission setting forth in detail the manner and form in which they intend to comply, are complying, or have complied, with this order.

Issued: October 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17522 Filed 11-30-71;8:52 am]

[Docket No. C-2071]

PART 13—PROHIBITED TRADE PRACTICES

Mattel, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.110 *Endorsements, approval and testimonials;* § 13.142 *Operation.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1057 *Packaging deceptively.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 *Content.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mattel, Inc., et al., Hawthorne, Calif., Docket No. C-2071, Nov. 1, 1971]

In the Matter of Mattel, Inc., a Corporation

Consent order requiring a Hawthorne, Calif., toy manufacturer to cease using in any broadcast, print or package advertising of their toy products, addressed to children, any distortion of their toys' performances; using fanciful and misleading brand names; and from making unfair and deceptive TV commercials and package advertising for their "Hot Wheels" and "Dancerina Doll" and making other deceptive exaggerations concerning the performance of their toys.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Mattel, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, packaging, offering for sale, sale or distribution of any toy in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Portraying or describing in an advertisement addressed to children the performance, operation or use of such products by or through the use of:

(a) Any film or camera techniques which result in any visual perspective of such product which purports to be but is

not one which a child can experience in the ordinary use of such product, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(b) Any sequence of different visual perspectives which purports to depict perspectives which a child can experience but which changes faster than a child can change his visual perspectives in the ordinary use of such product, when the effect of such sequence in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(c) Any visual perspective which purports to depict the actual performance of a particular function of the product and which differs substantially from the length of time required to perform that function, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(d) Camera overcranking or undercranking to depict a performance characteristic of such product which does not exist or cannot be perceived under ordinary conditions of the product's use, unless the fact of the use of such technique is established, if the effect of the failure to establish the use of such technique in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups.

2. Using in broadcast, print, or package advertising of such products, addressed to children, any endorsements or other similar statements as to the worth, value, or desirability to children of any such product, by any living person, persons, group, or organization when such endorsements are offered on the basis of or in connection with any experience, special competence or expertise which the public may reasonably be expected to associate with such person, persons, group or organization unless the person, persons, group, or organization making the statement has acquired a degree or type of experience, special competence, or expertise which qualified him or it to form the judgments expressed.

Provided, that this paragraph shall not prohibit the use of a product name or likeness which includes the name or likeness of any person, persons, group, or organization, or things, or the advertisement of any such product in any manner not prohibited by this order.

3. Portraying or describing in any advertisement two or more of such products which are sold or distributed under the fanciful brand name Hot Wheels or other similar fanciful brand name, used on more than one such product, if such products must be purchased separately, unless such advertisement establishes which of the products advertised therein must be purchased separately.

4. Commencing the production and causing the exhibition or distribution, within any twelve (12) month period following the date on which this order becomes final in the case of broadcast advertising, and within any twelve (12) month period following January 31, 1972 in the case of print or package advertising, of two (2) or more advertisements in the same medium for toys advertised, distributed or sold under the fanciful brand name Hot Wheels or other similar fanciful brand name if the toys therein advertised in said twelve (12) month period would reasonably be expected by purchasers to be, but are not, compatible in use and function with one another under ordinary conditions of use, unless the later of such two (2) or more advertisements in said twelve (12) month period establishes that the toy or toys advertised therein are either (a) not intended for use with all of the other toys or categories of toys advertised under the same fanciful brand name in the earlier advertisement or advertisements in said twelve (12) month period or (b) intended for use with less than all of the other toys or categories of toys advertised under the same fanciful brand name in the earlier advertisement or advertisements in said twelve (12) month period.

5. Representing that any toy car or other toy vehicle travels at any specific velocity other than that velocity determined by measuring the distance actually traversed divided by the time actually elapsed when both distance and time are calculated during the normal or ordinary conditions of use of such car or other toy vehicle.

6. Failing to disclose on their packages that the Dancerina doll or any other similar motorized ballerina, dancing or walking doll requires human assistance to walk or dance if such is the fact.

It is further ordered, That the provisions of this order applicable to packages or labels shall apply only to packages or labels which are produced by or for respondent Mattel, Inc. after January 31, 1972.

It is further ordered, That the provisions of paragraphs one (1) through five (5) of this order shall not become final and effective against respondent Mattel, Inc., unless and until an order containing similarly restrictive provisions as to the respondent becomes final and effective against Topper Corp.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order applicable to broadcast advertising.

It is further ordered, That the respondent corporation shall, within sixty (60) days after the date of January 31, 1972, file with the Commission a second report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order applicable to print advertising and to packages and labels and to advertising on packages and labels.

Issued: November 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17523 Filed 11-30-71;8:52 am]

[Docket No. C-2077]

PART 13—PROHIBITED TRADE PRACTICES

Montgomery Ward & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Montgomery Ward & Co., Inc., Chicago, Ill., Docket No. C-2077, Nov. 3, 1971]

In the Matter of Montgomery Ward & Co., Inc., a Corporation

Consent order requiring a major seller and distributor of merchandise by means of catalogs and retail stores with headquarters in Chicago, Ill., to cease violating the Truth in Lending Act by failing to disclose the method of determining the finance charge, the conditions under which the company may retain a security interest in any purchase, in catalogs where credit is involved print "Credit Terms, P. ____," and in any consumer credit advertising make disclosures required by Regulation Z of said Act; it is

further ordered that respondent provide customers who have incumbered their real estate an opportunity to rescind the transaction, and provide the customer the right to rescind the respondent's security interest if the property is residential and has a mechanic's lien against it; and where the amount of the purchase requires credit terms the respondent's catalog shall contain the words, "For Terms Relating to Deferred Payment, See p. ____," and other provisions for the protection of credit customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Montgomery Ward & Co., Inc., a corporation, and its officers, agents, representatives and employees directly or through any corporate or other device, in connection with any extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321 15 U.S.C. 1601 et seq.), shall:

1. In a statement required by § 226.7(a) of Regulation Z:

(a) Disclose the method of determining the balance upon which the finance charge may be imposed, as required by § 226.7(a)(2) of Regulation Z;

(b) Disclose the lower balance to which the periodic rate applies, when application of the periodic rate does not yield an amount equal to the minimum finance charge, as required by § 226.7(a)(4) of Regulation Z; and

(c) Disclose the conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and provide a description or identification of the type of the interest or interests which may be so retained or acquired, as required by § 226.7(a)(7) of Regulation Z; provided that in lieu of the foregoing, the creditor may disclose that any such security interest in any such property has been or is waived by the creditor.

2. In a schedule of credit terms in any catalog or other multipage advertisement:

(a) Disclose the method of determining the balance upon which a finance charge may be imposed, as required by § 226.10(c)(2) of Regulation Z; and

(b) Disclose the lower balance to which the periodic rate applies, when application of the periodic rate does not yield an amount equal to the minimum finance charge, as required by § 226.10(c)(4) of Regulation Z.

3. In each catalog, when setting forth as to any advertised item one or more of the credit terms set forth in § 226.10(c) of Regulation Z, state in immediate conjunction with the specific credit term, in print of at least equal prominence to such term, "Credit Terms, P. ____."

4. In its retail installment contracts, disclose, the amount of credit of which the customer will have the actual use, and to describe that amount as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. In any consumer credit advertisement, make all disclosures in the manner, form and amount required by § 226.10 of Regulation Z.

It is further ordered, That respondent shall, within 60 days after service upon it of this order, either:

(a) Provide notice of opportunity to rescind, in the form set forth in § 226.9(b) and (f) of Regulation Z, to each customer in each credit transaction, not otherwise exempted by § 226.9 of Regulation Z, entered into by respondent on or after July 1, 1969, in which a security interest was retained or acquired in any real property which, at the time of the transaction, was used or was expected to be used as the principal residence of the customer; or

(b) Provide such customer notice of waiver of respondent's right to retain or to acquire such security interest in any real property which, at the time of the transaction, was used or was expected to be used as the principal residence of the customer and, to the extent any mechanic's and/or materialmen's lien arises in favor of subcontractors, workmen or others who are not creditors in such transaction, secure from such persons waiver of such security interest.

It is further ordered, That respondent, its officers, agents, representatives and employees, in advertising deferred payment for merchandise or services connected therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, where finance charges are imposed on the amount of the purchase during the period when no payment is required on that particular purchase, shall, where the reference appears in respondent's catalog, refer clearly and conspicuously to a schedule of credit terms as follows: "For Terms Relating to Deferred Payment, See p. ____." or words of similar import. In this case, such terms shall disclose that on purchases for which payment is deferred more than 30 days, monthly finance charges will be assessed. Where the reference to deferred payment appears in newspaper advertising, respondent shall state in such advertisement, (1) in conjunction with such reference; (2) using type of the same style as such reference; and (3) in type size which bears a ratio to the type size of such reference of not less than one to three or in type size of not less than 12 points, whichever is larger: "Finance Charges are Applicable During the Deferred Period." In this case, terms provided at purchase shall disclose that on purchases for which payment is deferred more than 30 days, monthly finance charges will be assessed.

It is further ordered, That respondent shall deliver a copy of this order to all personnel employed in the credit, advertising, and merchandising departments at its general offices in Chicago, Ill., who are engaged in the extension of consumer credit or in the preparation, creation or placing of advertising, and secure receipts for same.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That, should the Commission issue a trade regulation rule covering any of the matters for which provision is made in this order, respondent can petition the Commission for an appropriate modification in this order.

It is further ordered, That respondent shall, within 60 days after entry of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

Issued: November 3, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17529 Filed 11-30-71;8:52 am]

[Docket No. C-2075]

PART 13—PROHIBITED TRADE PRACTICES

Reader's Digest Association, Inc.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation;* § 13.157 *Prize contests;* § 13.260 *Terms and conditions;* § 13.285 Value. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1883 *Prize contests;* § 13.1905 *Terms and conditions.* Subpart—Simulating another or product thereof: § 13.2205 *Advertising matter.* Subpart—Using contest schemes unfairly: § 13.2270 *Using contest schemes unfairly.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Reader's Digest Association, Inc., New Castle, N.Y., Docket No. C-2075, Nov. 2, 1971]

In the Matter of Reader's Digest Association, Inc., a Corporation

Consent order requiring the Reader's Digest Association with headquarters in New Castle, N.Y., to cease failing to disclose the number, nature, and value of the prizes in its circulation contests and all other pertinent information, failing to award all prizes advertised, using the word "lucky" on any ticket, failing to maintain adequate records for 5 years and furnish records to the Federal Trade Commission upon request, failing to obtain the consent of individuals before using their names in promotional material, and failing to disclose all essential details in all advertising contests.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That Reader's Digest Association, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," "giveaways," contest, game, or any other similar promotional device in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A. (1) Failing to disclose clearly and conspicuously the total number of prizes which will be awarded, the nature of the prizes, the approximate value of each prize, and the approximate numerical odds of winning each such prize; provided, however, that in a promotional device in which the odds cannot be determined with reasonable accuracy, respondent shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated if such fact may be reasonably determined.

(2) Failing to award and distribute all prizes of the value and type represented.

(3) Representing directly or by implication that the number of participants has been significantly limited; or that any person has been especially selected to win a prize.

(4) Using the word "lucky" to describe any number, ticket, coupon, symbol, or other entry; or representing in any other manner directly or by implication that any number, ticket, coupon, symbol, or other entry confers or will confer an advantage upon the recipient that other recipients will not have or is more likely to win a prize than are others, or has some value that other entries do not have.

(5) Failing to disclose clearly and conspicuously all terms and conditions with which individuals who hold winning entries will be asked to or must comply in order to obtain a prize.

(6) Representing directly or by implication that prizes have been purchased or contracted for unless they have in fact been purchased or contracted for before the "sweepstakes," "giveaways," contest game or other promotional device begins.

(7) Failing to furnish to requesting individuals a complete list of the names of winners of all prizes having a retail value of $15 or more, together with the city and State of and prize won by each.

(8) Failing to maintain for 5 years after the conclusion of the promotional device adequate records (a) which disclose the facts upon which any of the representations of the type described in paragraphs 1–7 of this order are based, and (b) from which the validity of the representations of the type described in paragraphs 1–7 of this order can be determined.

(9) Failing to furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each prize, and an exact description of the prize, including its approximate value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;

(d) The total number of participants in the promotional device;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," "giveaways," contest, game, or other similar promotional device unless the following are disclosed clearly and conspicuously in the advertising and promotional material concerning such devices:

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate value and the number of each;

(3) All terms, conditions and obligations with which individuals will be asked to or must comply in order to obtain a prize;

(4) The approximate numerical odds of winning each prize; provided, however, that in a promotional device in which the odds cannot be determined with reasonable accuracy, respondent shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated if such fact may be reasonably determined;

(5) The geographic area or States in which any such device is used.

II. *It is ordered,* That Reader's Digest Association, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, advertising, offering for sale, sale, or distribution of magazines, books, or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

C. (1) Failing to obtain the express written or oral consent of individuals before their names are used for a promotional purpose in connection with a mailing to a third person.

(2) Failing to disclose clearly and conspicuously the approximate value of any gift or other item furnished without charge, or at a nominal charge, or at a cost substantially below its retail value, to any purchaser or prospective purchaser of respondent's products.

(3) Using or distributing simulated checks, currency, "new car certificates;" or using or distributing any confusingly simulated item of value.

(4) Failing to disclose clearly and conspicuously on the order form, return reply coupon or similar material the way in which persons may participate in respondent's promotional devices without making or committing themselves to a purchase, or incurring any other obligation, or agreeing to any other act or condition; and offering any product for sale when all of the terms and conditions of the offer are not explained fully and clearly and set forth conspicuously on any order form furnished with the offer to be used to order the product.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance with this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner in which they have complied with this order; provided, however, that with respect to those portions of Paragraphs I(A)(1) and (I)(B)(4) which cover the disclosure of odds, a second such report shall be filed within sixty (60) days after December 1, 1971, the date on which the portions of the aforesaid paragraphs which cover the disclosure of odds shall take effect.

Issued: November 2, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-17527 Filed 11-30-71;8:52 am]

[Docket No. C-2073]

PART 13—PROHIBITED TRADE PRACTICES

Topper Corp.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.110 *Endorsements, approval and testimonials;* § 13.142 *Operation. Subpart*—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1057 *Packaging deceptively.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Topper Corp. et al., Elizabeth, N.J., Docket No. C-2073, Nov. 1, 1971]

In the Matter of Topper Corp., a Corporation

Consent order requiring an Elizabeth, N.J., toy manufacturer to cease using in any broadcast, print or package advertising of their toy products, addressed to children, any distortion of their toys performances; using fanciful and misleading brand names; and from making unfair and deceptive TV commercials and package advertising for their "Johnny Lightning" car and making other deceptive exaggerations concerning the performance of their toys.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Topper Corp., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, packaging, offering for sale, sale or distribution of any toy in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Portraying or describing in an advertisement addressed to children the performance, operation or use of such products by or through the use of:

(a) Any film or camera techniques which result in any visual perspective of such product which purports to be but is not one which a child can experience in the ordinary use of such product, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(b) Any sequence of different visual perspectives which purports to depict perspectives which a child can experience but which changes faster than a child can change his visual perspectives in the ordinary use of such product, when the effect of such sequence in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(c) Any visual perspective which purports to depict the actual performance of a particular function of the product and which differs substantially from the length of time required to perform that function, when the effect of such visual perspective in the context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups;

(d) Camera overcranking or undercranking to depict a performance characteristic of such product which does not exist or cannot be perceived under ordinary conditions of the product's use, unless the fact of the use of such technique is established, if the effect of the failure to establish the use of such technique in context of the advertisement as a whole is to misrepresent the product's performance, operation or use to the age group or age groups of children to whom the advertisement is addressed, taking into consideration the level of knowledge, sophistication, maturity, and experience of such age group or age groups.

2. Portraying or describing the appearance of such a product through the use of a star filter lens to photograph the product, when the effect of the use of such device in the context of the advertisement as a whole is to misrepresent the product's appearance.

3. Representing that the hood or doors of any Johnny Lightning car open or close unless such is the fact.

4. Using in broadcast, print, or package advertising of such products, addressed to children, any endorsements or other similar statements as to the worth, value or desirability to children of any such product, by any living person, persons, groups or organization when such endorsements are offered on the basis of or in connection with any experience, special competence or expertise which the public may reasonably be expected to associate with such person, persons, group or organization unless the person, persons, group or organization making the statement has acquired a degree or type of experience, special competence, or expertise which qualifies him or it to form the judgments expressed.

Provided, that this paragraph shall not prohibit the use of a product name or likeness which includes the name or likeness of any person, persons, group or organization, or things, or the advertisement of any such product in any manner not prohibited by this order.

5. Portraying or describing in any advertisement two or more of such products which are sold or distributed under the fanciful brand name Johnny Lightning or other similar fanciful brand name, used on more than one such product, if such products must be purchased separately, unless such advertisement establishes which of the products advertised therein must be purchased separately.

6. Commencing the production and causing the exhibition or distribution, within any twelve (12) month period following the date on which this order becomes final in the case of broadcast advertising, and within any twelve (12) month period following January 31, 1972, in the case of print or package advertising, of two (2) or more advertisements in the same medium for toys advertised, distributed or sold under the fanciful brand name Johnny Lightning or other similar fanciful brand name if the toys therein advertised in said twelve (12) month period would reasonably be expected by purchasers to be, but are not, compatible in use and function with one another under ordinary conditions of use, unless the later of such two (2) or more advertisements in said twelve (12) month period establishes that the toy or toys advertised therein are either (a) not intended for use with all of the other toys or categories of toys advertised under the same fanciful brand name in the earlier advertisement or advertisements in said twelve (12) month period or (b) intended for use with less than all of the other toys or categories of toys advertised under the same fanciful brand name in the earlier advertisement or advertisements in said twelve (12) month period.

7. Representing that any toy car or other toy vehicle travels at any specific velocity other than that velocity determined by measuring the distance actually traversed divided by the time actually elapsed when both distance and time are calculated during the normal or ordinary conditions of use of such car or other toy vehicle.

It is further ordered, That the provisions of this order applicable to packages or labels shall apply only to packages or labels which are produced by or for respondent Topper Corp. after January 31, 1972.

It is further ordered, That the provisions of paragraphs one (1), four (4), five (5), six (6), and seven (7) of this order shall not become final and effective against respondent Topper Corp. unless and until an order containing similarly restrictive provisions as to the respondent becomes final and effective against Mattel, Inc.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order applicable to broadcast advertising.

It is further ordered, That the respondent corporation shall, within sixty (60) days after the date of January 31, 1972, file with the Commission a second report in writing setting forth in detail the manner and form in which it has complied with the provisions of this order applicable to print advertising and to packages and labels and to advertising on packages and labels.

Issued: November 1, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-17525 Filed 11-30-71;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DISCLOSURE OF OFFICIAL RECORDS

Under authority vested in the Secretary of Health, Education, and Welfare

by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121(e) is revised to read as follows to update the subject authority delegation:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(e) *Delegations regarding disclosure of official records.* (1) The following officials are authorized to make determinations to disclose official records and information in accordance with § 4.1 of this chapter:

(i) The Director and Deputy Director of the Bureau of Drugs, the Director and Deputy Director of the Office of Compliance of that bureau, and the Director and Deputy Director of the Division of Case Guidance of the Office of Compliance of that bureau.

(ii) The Director and Deputy Director of the Bureau of Foods, the Director and Associate Director of the Office of Compliance of that bureau, and the Director of the Division of Regulatory Guidance of the Office of Compliance of that bureau.

(iii) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that bureau.

(iv) The Director and Deputy Director of the Bureau of Product Safety and the Director of the Compliance Office of that bureau.

(v) The Director and Deputy Director, Bureau of Radiological Health, the Director of the Division of Electronic Products, and the Director of the Office of Criteria and Standards of that bureau.

(2) The Chief of the Drug Registration Section of the Division of Case Guidance, Office of Compliance, Bureau of Drugs, is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(3) The Chief of the Records Section of the Administrative Services Branch, Division of General Services, Office of the Assistant Commissioner for Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (12-1-71).

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 355)

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17536 Filed 11-30-71;8:55 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2649) filed by A. E. Staley Mfg. Co., 2200 Eldorado Street, Decatur, Ill. 62525, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of starch, reacted with a urea-formaldehyde resin, as a component of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Starch, reacted with a urea - formaldehyde resin.	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12-1-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17537 Filed 11-30-71;8:55 am]

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Revocation of Food Additive Regulations and Antibiotic Certification Provisions

In a notice in the FEDERAL REGISTER of June 18, 1971 (36 F.R. 11742), the Commissioner of Food and Drugs proposed to revoke certain food additive regulations providing for intramammary infusion products, to revoke corresponding tolerances for residues of such preparations in food, and to delete from the antibiotic drug regulations provisions for certification of certain intramammary infusion products. The grounds for this proposal were stated in the notice.

The proposal provided interested persons 30 days in which to submit written comments. The six comments that were received in response to the proposal included requests for several substantive changes. It was requested that:

1. Certification of intramammary infusion products under § 146a.9 and § 146a.10 be permitted for an interim of at least 1 year,

2. Provisions be made for certification of a topical ointment which the Commissioner proposed to remove from § 146a.45, and

3. Nitrofurazone be permitted as an ingredient in intramammary infusion products.

The Commissioner having evaluated these comments finds that:

1. Intramammary products provided for in § 121.249(a) (1) and (3) of the food additive regulations and certified under §§ 146a.9 and 146a.10 should not be permitted for an interim period, since data are not available to demonstrate that each ingredient designated as active contributes to the effect claimed for these combination drugs. The holder of the Forms 5 for these products has been informed that, on the basis of information which was not available to the Commissioner at the time of approval, these post-1962 products are deemed similar to those reviewed by the Academy and that they must meet the standards as set forth by the Academy.

2. Certification of nonintramammary topical ointment should be permitted. The product formerly certified under § 146a.45 must now conform to the requirements of § 146a.26 as amended by this document.

3. Nitrofurazone should not be permitted as an ingredient in intramammary infusion products in the absence of a validated method of assay sensitive enough to demonstrate that no residue of nitrofurazone is present in milk intended for food.

As a result of the amendments published herein, intramammary infusion products certified under §§ 149a.9, 146a.10, 146a.20, 146a.22, 146a.23, 146a.24, 146a.25, 146a.26, 146a.47, 146a.50, 146a.52, 146a.54, 146a.56, 146a.66, 146a.70, 146a.87, 146a.89, 146a.108, 146a.111, 146a.112, 146c.223, 146c.268, and 146e.429 will no longer be eligible for certification nor shall any products covered by § 146a.45 be eligible for certification if they contain nitrofurazone.

Having considered the comments received and other relevant information, the Commissioner concludes that the proposal as modified should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 512, 59 Stat. 463, as amended, 72 Stat. 1785–88, as amended, 82 Stat. 343–51; 21 U.S.C. 348, 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135g, 141a, 146a, 146c, and 146e are amended:

1. In § 121.249(a), by revoking subparagraphs (1), (3), (6), and (7).

2. By revoking §§ 121.314, 121.315, 121.316, and 121.317.

3. By revoking §§ 135g.66, 146a.9, 146a.10, 146a.20, 146a.23, and 146a.25.

4. In § 146a.26(a), by revising the second sentence to read "If it is intended solely for topical veterinary use and not for udder instillation in dairy animals and is conspicuously so labeled, it may contain nitrofurazone." and by deleting from the fourth sentence the phrase ", except if it is packaged and labeled solely for udder instillations of cattle, its potency is not less than 2,000 units per gram."

5. By revising § 146a.45 (a) and (d) (2) (i) and (ii) and (3) (iii) to read as follows:

§ 146a.45 Procaine penicillin G in oil.

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin G in oil is a suspension of procaine penicillin G in a refined vegetable oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain furaltadone in accordance with § 121.249 (a) (5) of this chapter. Its potency is 300,000 units per milliliter, except if it is packaged and labeled solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 1.4 percent. It is sterile, unless it is packaged and labeled solely for udder instillations of cattle, except that it is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. The procaine penicillin G used conforms to the requirements of § 146a.44(a), except if the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If the hardening agent is a hydrogenated and deodorized peanut oil, it is free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than one-tenth of 1 percent; and its melting point is 64±2° C.

* * * * *

(d) * * *

(2) * * *

(i) The batch; potency, sterility (unless it is intended solely for udder instillations of cattle and is not required to be sterile), and moisture.

(ii) The procaine penicillin G used in making the batch; potency, moisture, pH, crystallinity, penicillin K content (unless it is crystalline penicillin G), procaine penicillin G content, and, unless the batch of procaine penicillin G in oil is intended solely for udder instillations of cattle and is not required to be sterile, toxicity, sterility, and pyrogens.

(3) * * *

(iii) In case of an initial request for certification, the vegetable oil and each dispersing and hardening agent or other ingredient used in making the batch: One package of each containing, respectively, approximately 250 grams and 5 grams.

* * * * *

6. In § 146a.52(a):

a. Subparagraph (1), second sentence, by deleting ", except if the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle, the crystalline penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section."

b. Subparagraph (3), first sentence, by deleting "(unless it is intended for udder instillations of cattle)" and "and, unless the batch of procaine penicillin and crystalline penicillin in oil is intended solely for udder instillations of cattle,".

7. In § 146a.54(a) (3), first sentence, by deleting "if it is packaged and labeled solely for udder instillations of cattle it may contain papain;".

8. By revoking § 146a.56.

9. By revising § 146a.57(a) (1) and (2) to read as follows:

§ 146a.57 Procaine penicillin and streptomycin in oil veterinary; procaine penicillin and dihydrostreptomycin in oil veterinary.

(a) * * *

(1) It contains not less than 2.0 milligrams of streptomycin or dihydrostreptomycin per milliliter. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101(a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine, or by § 146b.114(a) of this chapter, except that if it is intended for udder instillations of cattle the dihydrostreptomycin used conforms to the standards prescribed by § 146b.103 of this chapter, except the standards for sterility, toxicity, pyrogens, and histamine, or by § 146b.114(a) of this chapter, except the standard for toxicity.

(2) It may contain cortisone or a suitable derivative of cortisone, and/or one suitable sulfonamide, if it is intended solely for udder instillations of cattle, which ingredient, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium. If it is intended solely for udder instillations of cattle, it may be packaged in containers with one or more suitable inert gases.

* * * * *

10a. By revising the heading of § 141a.93 to read as follows:

§ 141a.93 Procaine penicillin G-neomycin in oil, veterinary.

* * * * *

b. By revising § 146a.62 to read as follows:

§ 146a.62 Procaine penicillin G-neomycin in oil, veterinary.

Procaine penicillin G-neomycin in oil conforms to all requirements and is subject to all procedures prescribed by § 146a.45 for procaine penicillin G in oil, except that:

(a) It contains neomycin sulfate. The neomycin sulfate used in making the batch conforms to the standards prescribed by § 146e.410 of this chapter, except the standard for toxicity.

(b) It may contain cortisone or a suitable derivative of cortisone and/or one suitable sulfonamide.

(c) In addition to the labeling requirements prescribed by § 146a.45(c), each package shall bear on the outside wrapper or container and the immediate container the statement "For udder instillation of cattle only." If it contains cortisone or a derivative of cortisone and/or a sulfonamide, each package shall bear on its label and labeling, after the name "procaine penicillin G-neomycin in oil," wherever it appears, the words "with ------," the blank being filled in with the established names of such other ingredients, in juxtaposition with such name.

(d) In addition to complying with the requirements of § 146a.45(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, moisture, and pH; and the number of units of procaine penicillin G and the number of milligrams of neomycin in each gram or milliliter of the batch. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of

the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making the batch.

11. By revoking §§ 146a.70 and 146a.87.

12. By adding to § 146a.89(a) a new subparagraph, as follows:

§ 146a.89 **Penicillin-streptomycin-neomycin in oil; penicillin-dihydrostreptomycin-neomycin in oil; penicillin-streptomycin-neomycin ointment; penicillin-dihydrostreptomycin-neomycin ointment.**

* * * * *

(a) * * *

(4) If it is intended solely for veterinary use, it is packaged and labeled either for subcutaneous injection in fowl or for use in the eyes and ears of animals.

* * * * *

13. By revoking § 146a.108.

14. In § 146a.111(a), fifth sentence, by deleting ", except that if the drug is intended for use by udder instillation, each single dose as recommended in its labeling contains not more than 100,000 units of penicillin."

15. By revoking §§ 146a.112, 146c.223, 146c.268, and 146e.429.

16. In § 146a.24(c)(2)(ii), by deleting "§ 121.314 or".

17. In § 146a.47(c)(2)(iii), by deleting "§ 121.315 or".

18. In § 146a.50(e), by deleting "§ 121.316 or".

19. In § 146a.66(c)(2)(ii), by deleting "§ 121.317 or".

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER.

(Secs. 409, 507, 512, 59 Stat. 463, as amended, 72 Stat. 1785-88, as amended, 82 Stat. 343-51; 21 U.S.C. 348, 357, 360b)

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17534 Filed 11-30-71;8:55 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide *S*-(*O*,*O*-Dimethyl Phosphorodithioate)

The Commissioner of Food and Drugs has evaluated a new animal drug application (44-757V) filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the safe and effective use of *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) for control of grubs and horn flies of cattle. The application is approved.

To facilitate referencing, Stauffer Chemical Co. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135a are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 065, as follows:

§ 135.501 **Names, addresses, and code numbers of sponsors of approved applications.**

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
065----	Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804.

2. Part 135a is amended by adding the following new section:

§ 135a.14 ***N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) emulsifiable liquid.**

(a) *Specifications.* The emulsifiable liquid contains 11.6 percent *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate).

(b) *Sponsor.* See code No. 065 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used for control of cattle grubs and horn flies by single spray application as follows: One volume is diluted with 49 volumes of water and sprayed on cattle at the rate of 1 gallon of the diluted spray per adult animal, wetting the skin sufficiently so that the material will run off the animal, with lesser amounts used on younger animals. Repeat spray treatment as necessary but no more often than once every 7 days for control of horn flies. For control of cattle grubs by a single pour-on application as follows: One volume of the product is diluted with two volumes of water and applied to cattle at the rate of 1 fluid ounce of the freshly diluted mixture per 100 pounds of body weight (to a maximum of 8 ounces per head) down the centerline of each animal's back. For optimum grub control, cattle should be treated as soon as possible after the heel fly season and before the grub larvae reach the gullet or spinal canal.

(2) When applying the product, avoid breathing spray mist or other contact through use of protective clothing, rubber gloves and goggles. Contaminated clothing should be washed with soap and hot water before reuse.

(3) The product is a cholinesterase inhibitor and should not be used on or in animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase inhibiting drugs, pesticides or chemicals. Do not treat dairy animals. Do not treat sick or debilitated animals. Do not apply within 21 days of slaughter. Avoid contamination of crops, feed, food, streams, lakes and other waters, when using the product.

(d) *Related tolerances.* See § 420.261 of this title.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER (12-1-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: November 19, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-17538 Filed 11-30-71;8:55 am]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-)CONTAINING DRUGS

Revocation of Antibiotic Certification Provision

In a notice in the FEDERAL REGISTER of June 18, 1971 (36 F.R. 11742), the Commissioner of Food and Drugs proposed to revoke from the antibiotic drug regulations provisions for certification of certain intramammary infusion products.

Said notice stated the Commissioner's finding that all intramammary infusion products containing certifiable antibiotics must meet the standards set by the National Academy of Sciences—National Research Council. It has been brought to the attention of the Commissioner that an intramammary product provided for by § 146b.133 (21 CFR 146b.-133) was omitted from said proposal.

No data have been submitted to demonstrate that said product meets the standards set by the Academy. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146b is amended by revoking § 146b.133 *Dihydrostreptomycin-neomycin-polymyxin aerosol solution veterinary.*

Within 30 days after publication hereof in the FEDERAL REGISTER any person who will be adversely affected by the removal of any such drug from the market may file objections to this order stating reasonable grounds and requesting a hearing on such objections. Objections and requests for a hearing should be filed in quintuplicate with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

If a hearing is requested, the objections must identify the claimed errors in the NAS/NRC evaluation and any adequate and well controlled investigations which would indicate conclusively that the combination drug would have the claimed effectiveness. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b)

Dated: November 22, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17535 Filed 11-30-71;8:55 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Removal of Exceptions From Amphetamine and Methamphetamine Combination Products

A Final Order was published in the FEDERAL REGISTER of November 6, 1971 (36 F.R. 21336) removing from the excepted category amphetamine and methamphetamine combination products. Paragraph 2. of that order amending § 308.32(b) of Title 21 is changed to include in the list of drugs to be deleted the following:

Trade name or other designation	Composition	Manufacturer or supplier
Corenil	Tablet: Racemic methamphetamine hydrochloride, 1.25 mg.; clistin (carbinoxamine maleate), 2 mg.; belladonna extract, 8 mg.	McNeil Laboratories.
* * *	* * *	* * *
Weytabs No. 1	Tablet: dl-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.; aloin, 15 mg.	The Vale Chemical Co., Inc.
Weytabs No. 2	Tablet: dl-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.	Do.
* * *	* * *	* * *
Weytabs No. 3	Tablet: Phenobarbital, 15 mg.; dl-desoxyephedrine hydrochloride, 5 mg.; thyroid 60 mg.	Do.
* * *	* * *	* * *

This change is effective on the date of its publication in the FEDERAL REGISTER (12-1-71).

Dated: November 24, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-17631 Filed 11-30-71;8:56 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Increase in Expenses and Rate of Assessment

Consideration is being given to a proposal submitted by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in designated counties in the State of Florida. This marketing program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

It is proposed that the Secretary of Agriculture approve an increase in the budget of expenses, from $111,000 to $145,000 for the Florida Tomato Committee for the fiscal period ending July 31, 1972, and an increase in the rate of assessment to be paid by each handler, from three-fourths of a cent, to 1 cent per 40-pound container of tomatoes, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

Interested persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the fifth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17478 Filed 11-30-71;8:48 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Expenses and Rate of Assessment for 1971–72

Notice is hereby given of a proposal regarding expenses of the California Date Administrative Committee for the 1971–72 crop year and rate of assessment for that crop year. This notice is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15036). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, Calif., and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The California Date Administrative Committee has unanimously recommended for the 1971–72 crop year a budget of administrative expenses in the total amount of $30,808 and an assessment rate of 10 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 31 million pounds.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.316 Expenses of the California Date Administrative Committee and rate of assessment for the 1971–72 crop year.

(a) *Expenses.* Expenses in the amount of $30,808 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1971–72 crop year beginning October 1, 1971, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 10 cents per hundredweight of all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: November 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-17479 Filed 11-30-71;8:48 am]

[7 CFR Part 1004]

[Docket No. AO-160-A47]

MILK IN MIDDLE ATLANTIC MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Middle Atlantic marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Baltimore, Md., on September 21–22, 1971, pursuant to notice thereof which was issued August 27, 1971 (36 F.R. 17586).

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91–670; and

2. The specific terms and provisions necessary to implement such program under the Middle Atlantic order.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Adoption of an advertising and promotion program.* The order should be

amended to provide for an advertising and promotion program to be administered by an agency organized by producers and producers' cooperative associations and financed by producer monies deducted from the Middle Atlantic order pool proceeds.

The recent amendments to the Agricultural Marketing Agreement Act by Public Law 91–670 (Title I—Advertising Projects—Milk) approved January 11, 1971, provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this part as the "advertising and promotion program" or "the program").

The hearing on this matter, the first for any Federal milk order under the provisions of Public Law 91–670, was requested by Pennmarva Dairymen's Cooperative Federation. The individual members of Pennmarva are Inter-State Milk Producers' Cooperative, Inc., Maryland and Virginia Milk Producers Association, Inc., and Maryland Cooperative Milk Producers, Inc. In addition to the proponent Pennmarva group, and the National Milk Producers Federation, the proposed program was supported on the record by Capitol Milk Producers, Lehigh Valley Cooperative Farms, and Dairylea. Thus the program has the support of producer organizations repersenting a substantial majority of all producers in the market.

The National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, was actively involved in the legislative proceedings leading to the development and enactment of Public Law 91–670. Following the passage of this enabling legislation, the Federation established guidelines under which its members associations (including the proponent Pennmarva Federation) were encouraged to develop programs for individual order areas.

A representative for the National Milk Producers Federation, testifying at the hearing in support of a program for the Middle Atlantic order, pointed out that the amendment to the Act was envisioned as authority for a self-help program under which milk producers could collect and spend their own funds to improve their own markets for milk.

Under the proposal supported at the hearing and as herein adopted the advertising and promotion program will be funded through a 5 cents per hundredweight assessment each month on producer milk pooled during such month. Under this program, the market administrator will deduct the monies from the producer-settlement fund prior to the computation of the uniform prices for base and excess milk. Such moneys, except for certain reserves withheld to cover refunds and administrative costs incurred by the market administrator, will be turned over to and administered by an agency organized by producers and producers' cooperative associations. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the attached amending order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marking of milk, such refunds to be made by the market administrator on a quarterly basis. Also, the program as adopted will allow adjustments or credits in connection with mandatory checkoff for similar types of programs, if required under authority of any State law.

The principal reasons cited by proponents for the establishment of an advertising and promotion program under the Middle Atlantic order were:

(1) *Decline in Class I sales.* Class I sales in the Middle Atlantic market (in the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., markets together, prior to the merger of these individual markets in August 1970) declined for the first 7 months of 1971 compared with the same periods for both 1969 and 1970. Total Class I sales during 1970 were about 46 million pounds less than during 1969.

Population in the Middle Atlantic marketing area, on the other hand, increased from the census years 1960 to 1970, 9.084 million persons in 1960 as compared to 10.891 million in 1970. It is this declining trend in the per capita consumption of milk in the Middle Atlantic marketing area which proponents believe will be diminished or reversed by increased expenditures for milk promotion and advertising under their proposed program.

(2) *The shifting trend from home delivery to store sales.* There has been a steadily increasing trend toward sales of milk out of stores and a decline in home deliveries in the Middle Atlantic area. Forty-four percent of the total milk sales in the former Delaware Valley order market was by home delivery for the month of November 1965 as compared with 24 percent for the same month in 1969. For the same periods, home delivery sales in the Upper Chesapeake Bay and Washington, D.C., areas decreased from 36 percent and 19 percent in 1965 to 25 percent and 11 percent in 1969, respectively.

This change from home delivery to a wholesale method of distribution, proponents pointed out, has placed milk in more direct competition with other foods and beverages. The consumer, when purchasing at stores, is confronted with many alternatives in choosing beverages and/or food in the diet. Most of these competing products, other than dairy products, are widely promoted and advertised. It is the proponents' position, therefore, that in such a competitive environment, dairy farmers must do a more comprehensive and effective job of promoting milk and milk products.

(3) *Lack of uniform dairy farmer participation in promotional programs.* The three cooperative members of Pennmarva form the largest cooperative group in terms of producer numbers serving the principal cities of Philadelphia, Baltimore, and Washington, D.C. The rate of payment for milk promotion by the three cooperatives individually is varied, ranging from 2 to 4 cents per hundredweight on member producer milk. These monies are paid over to the American Dairy Association of Atlantic. Another cooperative association serving the market pays the American Dairy Association of Atlantic at the rate of 3 cents per hundredweight on all its member milk. Payments to the Dairy Council by three of the four cooperatives are at the rate of 1 cent per hundredweight in member producer milk allocated to Class I. Payment by the fourth cooperative is at the rate of 1 cent per hundredweight on its Class I milk when matched by the dealer.

Two other cooperative associations representing producers on the market contribute to advertising and promotion programs through the use of the "positive letter"[1] at a rate of 3 cents per hundredweight.

(4) *Insufficient funds for promotional programs.* The total amount of money available to the Philadelphia, Baltimore, and Washington, D.C., units of the Dairy Council and to the American Dairy Association of Atlantic exceeded $1 million during 1970. Proponents pointed out, however, that not all of this money was available for the Middle Atlantic order area since the American Dairy Association of Atlantic area covers, in addition, the cities of Pittsburgh, Lancaster, Reading, Altoona, York, Scranton, Wilkes-Barre, and Williamsport in Pennsylvania, and Charleston, W. Va., all outside the general distribution area of Middle Atlantic order milk dealers.

Proponents contend that after allowing for approximately $210,000 of the total paid to the American Dairy Association of Atlantic for the basic program for the American Dairy Association and adjusting for promotions in the above-named cities, approximately $278,000

[1] Under the "positive letter" procedure, when the market administrator determines, following a public meeting called for such purpose, that there is no substantial objection on the part of producers to a requested deduction for ADA or National Dairy Council, as the case may be, he notifies each producer of his determination and each handler of the amount of the deduction and the period during which deductions may be made. If the handler wishes to cooperate, he notifies each of his producers that the deduction will be made, unless the producer notifies him in writing that the deduction should not be made.

Each cooperating handler is required to maintain a file copy of the notice issued to his producers and the written notifications received from producers objecting to the deduction. Payments to ADA or NDC are verified by the market administrator by the audit of the handler's records.

was available for advertising in the three cities of Philadelphia, Baltimore, and Washington, D.C. This, together with $385,000 available to the Dairy Council units, results in a sum of $663,000 that was available for programs in the Middle Atlantic marketing area.

Proponents contend that these funds (about $0.06 per capita) are far below a $0.15 per capita expenditure that they believe to be (and that they say is supported by certain marketing research studies[2]) the optimum effective promotion level.

In view of the foregoing, it is concluded that a program essentially as producers propose, but with specified modifications discussed elsewhere in these findings, should be adopted.

2. *Terms and provisions.* The proposed rate of 5 cents per hundredweight on producer milk suggested by proponents is a reasonable assessment on the marketings of producers under the Middle Atlantic order and is adopted.

Based upon the volume of milk marketed in 1970 in the area encompassed by the present Middle Atlantic order, an assessment at the rate of 5 cents per hundredweight of producer milk would gross approximately $2,250,000 a year. Allowing for refunds to nonparticipating producers and for the necessary administrative costs, proponents estimate that the annual net revenue at the outset of the program, based upon 1970 milk volume, would approximate $2 million. This is more than double the sum now expended on producer-sponsored advertising and promotion programs in the Middle Atlantic marketing area.

The enabling legislation specifically provides that the promotion funds deducted from the pool proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend funds for advertising and promotional activities.

The Agency, under the terms prescribed herein, is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program, and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs, designed to accomplish the purposes of Public Law 91-670.

Proponents stated that it was not their intent that control over the particular programs to be funded be "passed on" by the Agency to other organizations. However, the extent to which the Agency may wish to employ the services of existing organizations engaged in milk promotional activities is a matter to be determined by the Agency.

The Act states that the Agency "* * * may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." By this authority, producers or producer groups in a market, through their Agency, may frame programs to meet their particular needs. For example, proponents suggested the need in the Middle Atlantic market for a milk and dairy product merchandising program. They envision the implementation of coordinated programs of market development, health education, food publicity, public relations and advertising to develop the full sales potential of milk.

A program of this scope, proponents averred, should include a competent staff of well-trained personnel able to coordinate the nutritional aspects of milk with the aspects of impulse buying, which is apparent in the buying pattern of store shoppers, to increase the sale of milk and milk products. Such a program likely would include promotional activities in food stores. The proponent witness was not sure that there were any organizations available which are fully prepared to handle such a comprehensive program at this time.

The guidelines concerning this matter advanced by the proponents and adopted herein substantially without change, are set forth in § 1004.107 of the amendments to the order included in this decision. Under the terms of the amending order, the Agency will develop and submit to the Secretary for approval programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects, for advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of such organizations as the American Dairy Association, local Dairy Councils and the National Dairy Council and other such organizations for programs and projects where such activities benefit Order 4 producers; and

(c) The establishment, support, and conduct of research and development projects and studies to the end that the marketing and utilization of milk may be encouraged, expanded, improved, or made more efficient. The benefits of such programs should be available equally to all Order 4 producers.

There was no testimony on the record in opposition to these Agency guidelines, although one cooperative association, which represents dairy farmers marketing their milk in this and other northeast markets, testified in opposition to the program generally.

Agency members are to be selected from producers who actively support the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Each cooperative will be authorized one Agency representative for each full 5 percent of the participating producers (producers who have not requested refunds[3]) that such cooperative represents. For the purpose of meeting the 5 percent requirement or multiples thereof, any cooperative association, including a cooperative having less than the required 5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association(s) having less than the required 5 percent that elects not to combine, as discussed above, and nonmember producers, together will be authorized one Agency representative for each full 5 percent that such producers constitute of the total number of participating producers under the order.

This procedure will result in a maximum of 20 members on the Agency. Such a number is large enough to provide broad producer representation and at the same time allow the Agency to operate in an effective manner.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required 5 percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers (members and nonmembers) of their opportunity to nominate Agency members

[2] A 1965 study by Clement, Henderson and Eley on the value of advertising and published in U.S.D.A. bulletin ERS No. 259, "The Effect of Different Levels of Promotional Expenditures on Sales of Fluid Milk"; and a followup study published in 1967 as U.S.D.A. Market Research Report No. 805, "Consumer Response to Various Levels of Advertising for Fluid Milk."

[3] Provision is made in the program adopted herein that for the purposes of the Agency's initial formation, all producers under the Middle Atlantic order would be considered as participating producers.

and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing dates for nominations, the market administator shall anounce the nominees who are eligible for Agency membership and shall then conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the required 5 percent that does not combine, that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity among such members and nonmember producers in the selection of representation.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list, which the market administrator is required to circulate to the participating nonmember producers and certain participating member producers in the conduct of the referendum as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, the possibility remains that a person elected to membership, or so designated by a cooperative, is unable to, or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

Proponents proposed a geographic basis for apportioning the number of representatives among the participating nonmember producers and participating members of the smaller cooperatives (less than the required 5 percent) who elect not to combine. Under their proposal the total of such producers would be divided by the market administrator into geographic areas each containing as nearly as possible 5 percent of the total number of producers under the order. The market administrator would then conduct a referendum to determine the representative from each such area. After the program had been in effect for 1 year, the market administrator would then be required to adjust the areas so as to include only 5 percent of those producers who had not requested refunds, and to make similar adjustments in subsequent years.

Such a procedure would impose additional duties on the market administrator at the producers' expense without any apparent benefits to the program. A geographic division of producers for the extensive area represented by the Middle Atlantic order milkshed could only be an arbitrary determination at best. Further, because of the relatively small percentage of producers for whom such representatives will be elected, there could be little, if any, significance in such arbitrary geographic division.

The term of office of each member of the Agency as herein adopted is 1 year, or until a replacement is designated by the cooperative association or is elected. Proponents indicated that Agency members selected by cooperatives likely would be continued in such capacity for more than the 1-year term, thus assuring a continuity of administration and operation that otherwise might not be obtained if the entire Agency membership were to change annually. Under such circumstances, the annual selection of the total Agency membership, as proposed, is reasonable.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of representatives should be required to be present at any meeting to constitute a quorum, and any action taken by the Agency should require a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that any activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed under the program. At the same time, it should be recognized that these specified duties are not necessarily all-inclusive and it may develop that there are other duties the Agency may need to perform.

Congress clearly contemplated that producer activities under Public Law 91–670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected."

It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval, budgets showing projected amounts of available funds and how such funds are to be disbursed. Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A quarter is concluded to be the minimum practical period for achieving this end, and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All the possible promotion and other authorized project activities, which the Agency may wish to pursue, cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required therefore that it shall keep minutes of its meetings, and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

Proponents would have included specific terms that would require the Agency to publish annually an accounting of funds collected and the use made thereof, and to prepare and make available to producers, handlers, and consumers, statistics and information concerning the operation of the program. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe these additional requirements as suggested by proponents.

The Agency presumably will keep producers on the market fully informed of its milk promotional plans, projects, and activities. The degree of producer participation in the program, and thus its relative success, will be dependent in large part upon the interest and confidence it generates among producers. In view of these considerations, therefore, it does not appear necessary to prescribe specific informational releases to producers and other parties.

It is possible that the Agency may find it desirable to enlist the aid of individuals with special talents who might be helpful in program and project planning by virtue of their particular knowledge, skills, or expertise on matters directly involved with the advertising and

promotion programs. Provision is made, therefore, whereby the Agency, at its pleasure, may establish an advisory committee(s) of persons other than Agency members. Such a committee(s) may include, but would not necessarily be limited to, persons drawn from universities, land grant colleges, or extension services, public officials, and others in the dairy industry. Such committee(s) could make recommendations and participate in the deliberations of the Agency but would have no voting rights.

It would not be expected that the market administrator or his staff or other officials of the U.S. Department of Agriculture would serve on such a committee(s) since the activities of the Agency are under surveillance of the Department.

The Agency should be authorized to incur reasonable expenses in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, proponents' representative suggested that one full-time person might be needed to handle its recordkeeping and bookkeeping functions. The costs of office space also may be involved, or the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings. This could involve the establishment by the Agency of per diem and mileage rates and would include expenses for meals and lodging. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program shall not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected from the pool will be expended primarily on advertising and promotion.

The Agency, of course, is handling funds otherwise payable to producers. The Agency members, therefore, should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or any acts which are criminal in nature.

To insure that Agency funds are used only for the purpose contemplated by the Congress, it also is provided that Agency funds shall not be used for political activity or for influencing governmental policy or action.

It is possible that at some later date producers could request termination of the program, or that such provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the purposes of the Act.

In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to the producer-settlement fund for distribution to producers since such monies are derived solely from funds otherwise due producers.

There were conflicting views expressed at the hearing concerning what funds should be used to cover expenses incurred by the market administrator in the conduct of referenda as discussed hereinbefore and costs involved in making refunds to producers who do not wish to participate in the program.

A suggestion was made that market administrator's expenses in conducting referenda among producers not represented by qualified cooperative associations, and in the performance of other duties related thereto, be charged against the marketing service fund derived from an assessment on nonmember producers under other provisions of the order. The principal witness for the proponents, who concurred with this procedure, suggested additionally that the market administrator's cost related to refunds appropriately might be charged against the payments made by handlers to the market administrator to cover the expense of administering the order.

Neither of the two funds (the marketing services fund or the administrative fund) should be charged with the costs directly related to the administration of advertising and promotion program. The program is producer originated and should be self-sustaining. The expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91-670 supports this position and makes it clear that this is intended to be strictly a producer program. In part, the law states that "Establishing or providing for the establishment of * * * programs * * *, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected."

As adopted herein, all administrative costs associated with the program would be reimbursable to the market administrator from the advertising and promotion program funds before such funds are turned over to the Agency.

Much interest was evidenced by the several hearing participants in the procedure by which producers not wishing to participate in the program could request and be granted refunds.

Public Law 91-670 provides that: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, any producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request on forms prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program could get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the monies to be available for it are known in time to make firm forward plans and commitments.

Refunding on a quarterly basis, rather than on a monthly basis as suggested by the representative of one cooperative association on the market, will result in significant savings in administrative cost by reducing by eight the number of times each year the market administrator would be required to make refunds.

The quarterly refund procedure, together with the requirement that refund requests be made within the first 15 days of the month immediately preceding the calendar quarter, will enable the Agency to make quarterly budget estimates for each ensuing calendar quarter.

Proponents held that a producer, in filing his request for refund, should be required to have his signature notarized, ostensibly to establish the bona fide request of the individual producer and to deter other parties from promoting mass refund requests. It seems obvious that the success of the program is directly dependent on proponents' ability to convince individual producers of the need to participate in such an advertising and promotion program and on the results achieved under the program. In the absence of further evidence for a requirement of signature notarization, such requirements must be regarded as unnecessary to the refund procedure and is therefore denied.

Proponents, at the hearing, recognized that the refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. They suggested, therefore, that, until the initial quarter for which a new producer could comply with the regular refund request procedure, such producer be granted a refund on his marketings upon proper application filed with the market administrator at any time during the period. This modification in the refund procedure, they pointed out, could

also assist in implementation of the program on an earlier date than might otherwise be feasible.

This suggested flexibility in the refund procedure will accommodate the effectuation of the program at the earliest possible date, since it will make it unnecessary that the program be initiated at the beginning of a calendar quarter and with adequate prior notice to accommodate the filing of refund requests during the first 15 days of the month preceding such quarter. Such procedure is necessary also in order that new producers will not be denied refunds during their first few months under the order because of their inability to comply with the quarterly refund request procedure.

Proponents acknowledged the need for the market administrator to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program, it is provided that the market administrator shall accomplish such notification by forwarding to each producer a copy of the amended order, and by such other means as he deems appropriate.

Proponents recognized the possibility that the production units of some producers under the order could be in States that have mandatory checkoffs for similar advertising and promotion programs under State law. They held that in such circumstances a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment, but not in excess of the 5-cent assessment under this program.

This procedure is provided for in the statute and should be adopted. It cannot, of course, be known at this time exactly what specific conditions and procedures might be contained in legislation of various States. For example, the enabling statute in New York envisions that the producer will be exempt from contributions to the State program if he is participating in an advertising and promotion program under a Federal order. Should a State program be initiated in New York, it seems apparent that close liaison would be required between the State and Federal programs to fully implement the interests of both. The provisions dealing with refund procedure anticipate this and provide, therefore, that the market administrator on proper authorization from the producer shall refund to such producer or make payment to a State, as the case may be, from funds held in reserve by the market administrator for this purpose.

Proponents held that the matter of refunds in recognition of mandatory deductions from individual producer payments for State advertising and promotion programs should be a responsibility of the Agency rather than of the market administrator. However, it is not apparent from the record what possible benefit could accrue from a divided responsibility between the market administrator and the Agency for refunds. Moreover, refunded moneys have no relationship to the purposes for which the Agency is formed. Since refunds to individual producers may vary, dependent on whether there has been a mandatory deduction from such producer payments under a State program, there necessarily exists the probability that a division of responsibility for refunds would make it impossible to effectively maintain necessary confidentiality regarding the status of individual producers under the program.

The Agency could not have the necessary information to make refunds except as it was obtained from the market administrator. By making the market administrator wholly responsible for all refund activities, the overall administrative cost to the program will be minimized, and conversely, the funds available to the Agency for advertising and promotion will be maximized.

Proponents suggested that the order require a public listing of nonparticipating producers in order that such individuals may be visited for purposes of soliciting their support of the program. Since this is a voluntary program, there should be no provision for public listing that possibly could cause embarrassment to a producer who does not elect to be part of the program. It will be encumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

Another provision of the program as proposed dealt with the matter of confidential treatment of information by Department personnel, Agency personnel, and others. The general regulations title 7, part 900, and specifically §§ 900.210 and 900.211 thereof specify conditions for disclosure of information and the penalties applicable to any Department official violating such conditions. Further provisions relating specifically to information acquired by Department personnel in administration of the advertising and promotion program, therefore, are not necessary. Since the program as herein adopted provides that the market administrator will handle all refunds, it is not apparent that Agency representatives and personnel or other individuals could acquire information relating to the business or property of any person which was furnished by, or obtained from, such person pursuant to the provisions of the order. Under such circumstances there is no need for the proposed provision on confidentiality.

To implement the advertising and promotion program appropriately, it is necessary that certain provisions of the current order be modified. The procedure for computing the weighted average price (§ 1004.71) must be modified by the addition of a new paragraph (c) prescribing the deduction of an amount computed by multiplying by 5 cents the total hundredweight of producer milk. It is through this procedure that the advertising and promotion funds are reserved in the producer-settlement fund. This, of course, has the result of reducing the weighted average price by approximately 5 cents.

A modification is also necessary in the procedure for computing the uniform prices for base and excess milk to insure that the cost of the advertising and promotion program will be divided pro rata between base and excess milk rather than be placed on base milk alone. This is accomplished by modifying subparagraphs (1) and (2) of § 1004.72(a) to provide that the multiplier shall be in each case the specified class price less 5 cents.

It also is necessary that appropriate corollary changes be made in §§ 1004.62 and 1004.85 in order that the obligation of a partially regulated handler (as computed pursuant to § 1004.62(b)(5)) and the obligation of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and weighted average price pursuant to § 1004.85(b)(2)) will not be increased by 5 cents because of the change in the weighted average price.

It is recognized further that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the monies to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the monies available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustment of funds available to the program.

Other order modifications not hereinbefore specifically discussed are necessary and incidental to insure the proper functioning of the order to accommodate the promotion program as here established.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified

and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Middle Atlantic marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1004.60 is revised as follows:

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.52, 1004.62 through 1004.65, 1004.70 through 1004.72, 1004.80 through 1004.89, and 1004.100 through 1004.110 shall not apply to a producer-handler.

2. In § 1004.62, paragraph (b)(5) is revised as follows:

§ 1004.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

3. In § 1004.71, a new paragraph (c) is added as follows:

§ 1004.71 Computation of weighted average price.

* * * * *

(c) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

4. In § 1004.72, paragraphs (a) (1) and (2) are revised as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents.

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

* * * * *

5. In § 1004.85, paragraph (b)(2) is revised as follows:

§ 1004.85 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

6. Immediately following § 1004.89, a new centerhead and new §§ 1004.100 through 1004.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1004.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.111(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.103(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.103(b), and participating producers who are not members of cooperatives are authorized, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible

votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.100 and 1004.107.

§ 1004.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.100 and 1004.107 of this part;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator on forms prescribed by the market administrator and signed by the producer. Such form shall prescribe only that information necessary to identify the producer and the records relevant to the refund.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1004.111 Duties of the market administrator.

Except as specified in § 1004.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.103(c);

(b) Set aside the amounts subtracted under § 1004.71(c) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or states pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers or make payments to states, as the case may be, the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.71(c).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such period pursuant to § 1004.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.71(c) for such calendar quarter, less the amount of any refund otherwise made to the producer or payment made to any State on behalf of such producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.84.

Signed at Washington, D.C., on: November 26, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-17549 Filed 11-30-71;8:56 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 283]

OPERATING DIFFERENTIAL SUBSIDY AGREEMENT

Proposed Conservative Dividend Policy

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs, Acting pursuant to section 204(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1249), is considering promulgating the following regulation delineating the criteria to be applied by the Maritime Administration in determining that an Operator is following a conservative dividend policy pursuant to the provisions of an operating-differential subsidy agreement. Part II of such agreements provides generally that an Operator shall follow a conservative dividend policy "having due regard to the Operator's obligations with respect to replacement, construction, and purchase of vessel(s), the retirement of ship mortgage indebtedness, and the maintenance of adequate working capital."

The proposed regulation first describes the profits which are available for distribution to stockholders. Different criteria are set forth for those Operators who elect to continue under the recapture provisions from those not so covered.

Two tests, both of which must be satisfied, are proposed for determining whether an Operator may make disbursements from "profits available." The first test is posed in the alternative. If the Operator has a Capital Construction Fund Agreement with a fixed deposit schedule and his deposit schedule has been met, the first test has been satisfied. Those Operators without such an Agreement satisfy the first test only if their "Funds Available" exceed or are equal to their "Funds Required."

The second test is the same for all Operators and is based on adequate level of working capital which is described as one-half the average voyage expense determined by the formula set out in 46 CFR 286.3. An alternative basis for determining an adequate level of working capital is provided for those exceptional cases when an Operator can show that the formula is not appropriate.

When all criteria, limitations, and restrictions have been met, the Operator would be free to declare and pay dividends without prior approval of the Maritime Administration. If all the criteria are not met, prior approval must be obtained. However, notice of a dividend declaration must be given to the Maritime Administration concurrently with the action of the board of directors of the Operator.

Therefore, notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs proposes to add a new Part 283 to Title 46, Chapter II Code of Federal Regulations to read as follows:

PART 283—CONSERVATIVE DIVIDEND POLICY

Sec.

AUTHORITY: The provisions of this Part 283 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 283.1 Purpose.

The purpose of this part is to prescribe regulations delineating the criteria to be applied by the Maritime Administration in determining that an Operator is following a conservative dividend policy pursuant to the provisions of an operating-differential subsidy agreement (ODSA) and prescribing other procedures relating to the declaration and payment of dividends by subsidized operators.

§ 283.2 General.

The standard Part II, General Provisions, of the ODSA, relative to the declaration and payment of dividends, provides:

During the period of this Agreement, the Operator shall at all times follow a conservative dividend policy, as prescribed in rules and regulations issued by the United States from time to time with respect thereto (whether payments are to be made from profits from the subsidized vessel(s) and services incident thereto or from profits from any other source available for distribution to stockholders), having due regard to the Operator's obligations with respect to replacement, construction, and purchase of vessel(s), the retirement of ship mortgage indebtedness, and the maintenance of adequate working capital. Notice of any dividend declaration shall be given by the Operator to the United States concurrently with the action of the Board of Directors of the Operator * * * In no event shall the Operator declare in any year a cash dividend which would cause the total cash dividends declared in that year to exceed the limitations prescribed in any other agreement between the Operator and the United States covering the payment of dividends. The United States may from time to time require the Operator to demonstrate that it is following a conservative dividend policy within the meaning of this Article.

§ 283.3 Profits available for distribution to stockholders.

(a) *Operators not subject to recapture provisions of an ODSA.* For Operators who have elected to terminate the recapture provisions of the ODSA or who enter into a new ODSA pursuant to the Merchant Marine Act of 1970, the profits available for distribution to stockholders shall be the surplus which is legally available for dividends in accordance with all laws and restrictions to which the corporation is subject.

(b) *Operators electing to retain the recapture provisions of the ODSA.* For Operators who elect pursuant to section 40 of the Merchant Marine Act of 1970 (Public Law 91-469) to retain the recapture provisions of the ODSA, the profits available for distribution to stockholders shall be established as the "accumulated free earnings available for dividends."

Such accumulated free earnings shall consist of: Balance at the beginning of the year.
Changes during the current year:
Earnings from subsidized operations (limited to 10 percent of capital necessarily employed in subsidized operations);
Less interest and dividend income from statutory reserve fund investments allocated to subsidized operations (limited to the amount not deducted from the required deposit of excess earnings);
Less voluntary deposits in statutory reserve funds;
Plus withdrawals from statutory funds net of applicable taxes.
Earnings from nonsubsidized operations;
Less interest and dividend income from statutory reserve fund investments allocated to non-subsidized operations.
Prior years' adjustments (net);
Less investments in assets not includable in capital necessarily employed in subsidized operations;
Plus net proceeds from sale or other liquidation of assets not includable in capital necessarily employed in subsidized operations; Less dividends declared (in cash or in kind).
Ending Balance.

§ 283.4 Criteria of a conservative dividend policy.

(a) *Operator's obligations with respect to replacement, construction and purchase of vessels and the retirement of ship mortgage indebtedness—(1) General basis.* In connection with the declaration and payment of a dividend, the Operator will be deemed to have given due regard to his obligations with respect to replacement, construction and purchase of vessels (and related containers, barges and equipment which may be acquired with monies from a Capital Reserve Fund or a Capital Construction Fund) and the retirement of mortgage or other indebtedness incurred in connection with the acquisition, construction or reconstruction of, or secured by vessels (and related containers, barges and equipment which may be paid with monies from a Capital Reserve Fund or a Capital Construction Fund) if the amount of such dividend is within the amount of "excess funds" determined in accordance with the following formula:

(i) Funds available:

Balance on deposit in a Capital Reserve Fund or Capital Construction Fund and any Escrow Fund and/or Construction Fund, plus net accrued deposits to/withdrawals from any such funds, including interest;

Balance on deposit in a Special Reserve Fund, plus net accrued deposits to/withdrawals from such fund, including interest (only applicable to Operators subject to recapture provisions of an ODSA);

Gross book value of subsidized vessels and related barges and containers, less accumulated depreciation;

Progress payments actually made with respect to subsidized vessels and related barges and containers under construction or being reconstructed or reconditioned;

The estimated amount of interest and dividend income to be earned on investments in any of the funds referred to above during the period of acquisition of the assets reflected in subdivision (ii) of this subparagraph;

Balance of any trade-in allowances with respect to vessels actually traded in;

Excess working capital (net working capital in excess of minimum standards as defined in paragraph (b)(2) of this section);

Less the amount of any recapturable subsidy not withheld;

Less an amount equivalent to the ceiling in the Special Reserve Fund allowed for "capital necessarily employed" under 46 CFR Part 286 (only applicable to Operators subject to recapture provisions of an ODSA).

(ii) Funds required:

25 percent of the cost to the Operator of subsidized vessels under construction and/or reconstruction or reconditioning in process applicable to subsidized vessels.

25 percent of the estimated replacement cost (as of the date of replacement) of all subsidized vessels, other than those vessels to be replaced by vessels under construction, whether or not the Operator has any existing replacement obligation under his present ODSA with respect to such vessels. If, however, pursuant to the ODSA a lesser number of replacement vessels than existing subsidized vessels to be replaced is specified, the estimated replacement cost of such lesser number of vessels will be used.

25 percent of the estimated cost to the Operator of any additional vessels which the Operator has agreed to construct or acquire pursuant to any agreement entered into with the Maritime Administration.

25 percent of the cost of barges and containers presently under construction or purchase commitment to be used in subsidized operations.

25 percent of the gross cost of barges and containers presently employed in subsidized operations.

Outstanding balances of mortgage indebtedness on subsidized vessels and any indebtedness incurred in the acquisition of barges and containers employed in subsidized operations.

(iii) Excess funds or deficiency of funds: The excess or deficiency of funds available over funds required.

(2) *Alternative basis.* If an Operator is a party to a Capital Construction Fund Agreement and such agreement provides for specified amounts of periodic deposits in the fund, the Operator will be deemed to have given due regard to his obligations with respect to replacement, construction, and purchase of vessels and the retirement of ship mortgage indebtedness if the deposits made in the fund as of the date of the payment of a dividend plus the amount of any deposits deferred as of the date pursuant to rules and regulations prescribed by the United States are in accordance with the deposit schedule specified in such agreement.

(b) *Maintenance of adequate working capital.* In connection with the declaration and payment of a dividend, the Operator will be deemed to have given due regard to the maintenance of adequate working capital if, after the declaration and payment of such dividend, the amount of working capital is equal to or in excess of "minimum standards prescribed for working capital."

(1) Working capital shall consist of:

Total current assets (Accounts 100–199);

Less accrued deposits to statutory reserve funds, capital construction fund or other special funds;

Less total current liabilities (Accounts 400–495).

(2) Minimum standards prescribed for working capital:

(i) *General basis.* "Minimum standards prescribed for working capital" shall generally be determined as one-half of average voyage expenses calculated on the basis of the "Average Voyage Expense" formula, as defined in General Order 31, 2d Revision.

(ii) *Alternative basis in exceptional cases.* Whenever the Operator can demonstrate to the satisfaction of the Maritime Administration that one-half of average voyage expenses is not an appropriate measure of "minimum standards prescribed for working capital," as, for example, in cases of subsidized bulk cargo-carrying service(s), the minimum standard for working capital will be specifically prescribed by the Maritime Administration for such Operator or such service(s) taking into consideration the pertinent factors relating to such service(s).

§ 283.5 Other limitations and restrictions applicable to the payment of dividends.

(a) *Limitations prescribed in other agreements.* Notwithstanding the criteria set forth in § 283.4, in no event shall the Operator declare in any year a cash dividend which would cause the total cash dividends declared in that year to exceed the limitations prescribed in any other agreement between the Operator and the United States covering the payment of dividends.

(b) *Other or additional restrictions.* Even though dividend declarations meet all of the criteria set forth in § 283.4, the Assistant Secretary for Maritime Affairs may from time to time require the Operator to demonstrate that it is following a conservative dividend policy.

§ 283.6 Prior approval for dividend declaration and payment.

Whenever the Operator's financial status is such that the declaration and payment of a dividend will be from profits available for distribution to stockholders under the provisions of § 283.3, within the criteria established for a conservative dividend policy as set forth in § 283.4, and not otherwise limited or restricted pursuant to § 283.5, the approval of the Maritime Administration will not be required prior to the declaration and payment of such dividend. When any of the foregoing conditions are not met, the approval of the Maritime Administration shall be obtained prior to the declaration or payment of a dividend.

§ 283.7 Notification and reporting requirements.

(a) Notice of dividend declaration shall be given by the Operator to the Maritime Administration concurrently with the action of the board of directors of the Operator.

(b) Annual reports: The Operator shall submit within ninety (90) days of the end of each annual accounting period (fiscal or calendar year) the following data as of the last day of such period:

A statement showing the profits available for distribution to stockholders, in the format set forth in Exhibit A1[1] or Exhibit A2[1] appended to this part;

A statement showing the funds available, funds required, and excess funds (or deficiency of funds) relating to the Operator's obligations with respect to replacement, construction and purchase of vessels and the retirement of ship mortgage indebtedness, in the format set forth in Exhibit B1,[1] or a statement in the format set forth in Exhibit B2[1] showing that the operator has made deposits in a Capital Construction Fund, except for any deposits that have been deferred pursuant to rules and regulations prescribed by the United States, as of the date of the dividend declaration, in accordance with a schedule of periodic deposits to such fund specified in the Capital Construction Fund Agreement;

A statement showing working capital and minimum standards prescribed for working capital of the Operator, in the format set forth in Exhibit C appended to this part.[1]

A statement, if applicable showing, the calculation of any other limitation prescribed in any other agreement between the Operator and the United States covering the payment of dividends or any other additional restrictions imposed on the Operator by the Maritime Administration to insure the maintenance of a conservative dividend policy.

(c) Officials to whom notices and reports are to be directed: All notices and reports prescribed in this section are to be addressed to the appropriate Maritime Administration Region Director, with copies of each such notices and/or reports to the Chief, Office of Subsidy Administration, and Chief, Office of Finance, Maritime Administration, Washington, D.C. 20235.

§ 283.8 Applicability of other directives.

To the extent that the regulations prescribed in this part are inconsistent with any directives heretofore promulgated by the Maritime Administration, such prior directives are hereby superseded. While the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments on the proposed regulations, in triplicate, to the Secretary, Maritime Administration,

[1] Filed as part of original document.

Washington, D.C. 20235, by close of business on December 31, 1971.

Dated: November 23, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-17546 Filed 11-30-71;8:55 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

GROUNDFISH FISHERIES

Notice of Proposed Rule Making

At its 21st Annual Meeting held in Halifax, Nova Scotia, Canada, May 27 through June 4, 1971, the International Commission for the Northwest Atlantic Fisheries recommended the following changes from the 1970 recommendations to the member governments:

1. A reduction in the yellowtail flounder quota west of 69° W. in Subarea 5 from 13,000 metric tons for 1971 to 10,000 metric tons for 1972. The quota east of 69° W. in Subarea 5 would remain at 16,000 metric tons.

2. A reduction in the haddock quota in Subarea 5 from 12,000 metric tons in 1971 to 6,000 metric tons in 1972.

3. A reduction in the haddock quota in Division 4X of Subarea 4 from 18,000 metric tons in 1971 to 9,000 metric tons in 1972.

4. An annual quota for haddock in Division 4W of Subarea 4 for 1972 of 4,000 metric tons.

5. The time of the prohibition against demersal fishing in certain parts of Subareas 4 and 5 was extended from March 1 through April 30 in 1971 to March 1 through May 31 in 1972.

6. Slight adjustments were made in the boundaries of two of the areas closed to demersal fishing.

7. All of Subarea 5, including the two closed areas, may be fished without restriction by long line vessels using hooks with a gap of not smaller than 1⅛" (3 cm.).

8. The minimum mesh size for regulated species in Subarea 2 was increased from 4½" (114 mm.) to 5⅛" (130 mm.).

9. The definition of a "Trip" after the closure date was changed from port to port to the termination of fishing activity.

These recommendations are reflected in the proposed regulations set out below.

The proposed regulations are in a different form than was used in the past in the belief that:

(1) The regulations will be more intelligible;

(2) Less repetitive;

(3) Easier to use.

Subpart A contains general provisions including definitions at § 240.1 and general licensing provisions at § 240.2.

Section 240.3 contains the various exemptions, and is no different than § 240.5 of the 1971 regulations.

Section 240.4 deals with reports. Section 240.4(a) explains the obligations of buyers, and § 240.4(b) contains the reporting requirements for owners and masters. The only change in this material is that vessels under 50 tons in some circumstances, may not be required to maintain a logbook.

Section 240.5 describes the closed areas and closed seasons. Otherwise there are no changes.

Subpart B contains those regulations dealing exclusively with regulated groundfish other than flatfish in Subarea 5. Other than the quota reduction, the major change in this subpart may be found in § 240.12(b) which relates to those vessels which had departed port prior to the closure date. Formerly, that trip, which had to end within 10 days after the closure date, required on arrival in port and actually discharge of part of the catch. This requirement has been liberalized, and the present proposal merely requires that the fishing activity terminate within 10 days and that all vessels return to port within 48 hours thereafter, reporting their arrival to the National Marine Fisheries Service, the Coast Guard, or Customs officer.

Subpart C contains those regulations pertaining only to yellowtail flounder in Subarea 5. There are two kinds of closures provided in this Subpart. Section 240.22(a)(1) provides for a 5-day extension for those vessels which had departed port prior to the closure date at the end of the first three quarters, and § 240.22(a)(2) provides for a 10-day extension similar to that proposed for haddock under § 240.12(b). The vessels fishing for yellowtail flounders shall have only 24 hours in which to return to port at the end of the extension period.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Prior to the final adoption of the proposed amendments consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235 within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated November 23, 1971.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—NORTHWEST ATLANTIC COMMERCIAL FISHERIES, GENERAL PROVISIONS

Subpart A—General Provisions

Subpart B—Groundfish Fisheries

Subpart C—Flatfish Fisheries

Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast to Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory areas" means and includes the whole of those portions of the convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1 as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape

Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southwesterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (red fish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American Plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L)), grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(d) *Chafer.* The word chafer means a protective covering of canvas, netting, or other material attached to the underside of the cod end of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size when measured wet after use shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the netting, such measurements to be made as specified in paragraph (m) (3) of this section.

(1) *ICNAF chafer.* Means a chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such widths to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* Means a chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* Means a chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified in this section for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts as an incident to fishing for other species.

(f) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949.

(i) *Contracting governments.* Member governments of the Convention.

(j) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(k) *Fishing.* The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under the regulations.

(l) *Incidental fisheries.* Means the inadvertent taking of regulated species

while conducting fishing operations for nonregulated species.

(m) *Minimum mesh size.* The words "minimum mesh size" shall mean:

(1) With respect to any part of the net except the cod end; the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(2) With respect to the cod end, the average of the measurements of any 20 consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least 10 meshes from the side lacings or, the average of the measurements of the meshes in any series of consecutive meshes, running the full length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end for use in specified subareas, which, has been approved, in accordance with subparagraph (4) of this paragraph, by an authorized employee of the National Marine Fisheries Service as having a mesh size when dry before use equivalent to not less than that required by this section for such a cod end when measured wet after use.

(3) All measurements of meshes shall be made by the insertion into the meshes under a pressure or pull of 5.0 kilograms (11.0 pounds) of a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters.

(4) To insure that a particular net meets the criteria specified in this subparagraph, any person may request a new-before-use inspection, in which case the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, when stretched under a tension of 200 pounds, and dividing the length by the number of meshes in such row: *Provided:* That not more than 10 percent of the meshes in such row shall be more than one-half inch (13 mm.) smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for fishing for the regulated species in Subareas 2, 3, 4, and 5 by any authorized employee of the National Marine Fisheries Service by the attachment to such cod end of an appropriate seal.

(i) The alteration, defacement, or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(ii) The repair, alteration, or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for fishing for the regulated species.

(5) Such part of the net as may be manufactured from cotton, hemp, polyamide (nylon), or polyester (dacron), fibers shall have the following equivalent measure to double strand manila:

In the case of 5⅛" (130 mm.) double strand manila, 4¾" (120 mm.).
In the case of 4½" (114 mm.) double strand manila, 4⅛" (114 mm.).

Types of Twine	*Manufacturer's specifications—average mesh size*
Manila, double strand:	
4-ply 45-yard	5.625 in. (5⅝").
4-ply 50-yard	5.625 in. (5⅝").
4-ply 75-yard	5.625 in. (5⅝").
4-ply 80-yard	5.500 in. (5½").
Westerbeke No. 2 Nylon Braid, 100% Nylon Braid/Linear density, 38.89 yds./lb. 4.6875 in. (4 11/16").	
Picks/inch, 9.0.	
Carriers, 16.	
Ends/carrier, 3.	
Total ends, 48.	
840 denier/140 filament 2 ply.	
12.1 T.P.I. of "Z" twist in singles.	
9.9 T.P.I. of "S" twist in 2 ply.	

(n) *License.* The word "license" shall mean a license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, or transport species of fish under regulation pursuant to the recommendations of ICNAF.

(o) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage except as provided under § 240.5

(p) *Person.* Any owner, master, or operator of a vessel.

(q) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone number: Area Code (617) 281–0640.

(r) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(s) *Service Director.* The Director of the National Marine Fisheries Service.

(t) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(u) *Vessel.* The word "vessel" denotes every kind, type or description of watercraft subject to the jurisdiction of the United States used, or capable of being used as a means of transportation on water.

(v) *Trip.* The word "trip" as used in connection with the trip exemption means a departure from port, transit to the Convention Area, participation in the fisheries or incidental fisheries, and return to port, followed by a complete discharge of all fish on board.

§ 240.2 **Licensing provisions.**

(a) Any person or vessel desiring to possess, transport, deliver, or fish for any regulated species of fish listed in § 240.1 (c) within the Convention area, must obtain a license for that purpose in one of the following categories:

(1) *Trawl fisheries*—(i) *Large mesh—specialized fishery.* For any person or vessel desiring to fish for any regulated species under the provisions of Subparts B or C of this part;

(ii) *Small mesh-trip exemption.* For any person or vessel desiring to fish for nonregulated species, but taking regulated species incidentally in quantities limited by the provisions of § 240.3(b);

(iii) *Small mesh—12-month exemption.* For any person or vessel desiring to fish for nonregulated species which, in the next preceding 12-month period does not take quantities of regulated species in excess of that permitted by the provions of § 240.3(b). Under this provision, any person or vessel could take quantities of regulated species incidental to a fishery for nonregulated species until the quantity taken equaled that provided by § 240.3: *Provided:* That the master or operator of the vessel licensed under this provision also complies with the provisions of § 240.3(c). In computing the permitted quantities available, regulated species taken under the provisions of this subparagraph shall not be counted in the total annual catch of the vessel.

(2) *Long-line fisheries.* For any person operating a long-line vessel desiring to fish for regulated species.

(3) *Gillnet fisheries.* For any person operating a gillnet vessel desiring to fish for regulated species.

(4) *Seine fisheries.* For any person operating a purse seine vessel that may take regulated species.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number and home port of the vessel. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the requested license for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention Area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention Area.

(d) The owner or operator of any vessel which is proposed to fish within the Convention Area for species of fish other than those indicated in § 240.1(c) may request a change in license category for such period of time as the owner or operator may request.

(e) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired, by an authorized officer of the State of Maine or the State

of Massachusetts or by an authorized officer of any of the following agencies: The National Marine Fisheries Service, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(f) The license issued by the National Marine Fisheries Service must be carried at all times on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall at all times be subject to inspection by fishery inspection officers.

(g) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigations.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempted from the requirements of these regulations.

(b) *Trip exemption.* Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3 and 4 may take and possess an incidental catch of cod and haddock and an aggregate quantity of the other regulated species listed in § 240.1(c) not to exceed for each 5,000 pounds or 10 percent (10%) by weight of all the fish on board whichever is greater, taken on the same trip from the same subarea; or any person or vessel in the course of fishing for nonregulated species in Subarea 5, may take and possess an incidental catch of cod, haddock, and yellowtail flounder not to exceed for each 5,000 pounds or 10 percent (10%) of all the fish taken on the same trip: *Provided,* That a valid license issued under the provisions of § 240.2(a)(i) is in force;

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5 who does not take in any period of 12 months more than 10 percent (10%) of regulated species described in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a)(ii): *Provided,* That during any closure under §§ 240.1(c) and 240.2(c) the exemptions provided for regulated species in this paragraph shall be suspended.

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, firms or corporations at any port or place within the United States that shall buy from fishing vessels or from other U.S.-flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce any species of finfish taken within the Convention Area by any fishing vessel shall keep and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons desiring to purchase or receive any species of finfish in the Convention Area for transport to any port of the United States must maintain records identical to those required under subparagraph (1) of this paragraph. Within 72 hours after the buying or receiving vessel returns to any port of the United States, those records must be delivered in the same manner to the National Marine Fisheries Service as is required under subparagraph (1) of this paragraph.

(b) *Owner or master.* (1) In the case of a vessel operating under the provisions in § 240.2(a)(1)(i) for regulated species with large mesh during the open season for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of mesh of trawl or gillnet, locality fished, duration of fishing time or tow, and the estimated poundage of each species taken at 12-hour intervals. Said log books shall be available for inspection by authorized officers. At the conclusion of each fishing trip, the said log book shall be delivered to an authorized officer of the United States or, if no officer is available such log book must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service.

(2) In the case of vessels of less than 50 gross tons operating under the provisions of § 240.2(a)(1)(i) for regulated species with large mesh during the open season for any of the regulated species, the owner or master may be required to maintain the log book for sampling purposes at the option of the appropriate officer of the United States.

(3) In the case of vessels desiring to fish with small mesh nets for nonregulated species on a trip basis, under the provisions of § 240.2(a)(1)(ii) no reports are required of the owner or master.

(4) In the case of vessels desiring to fish with small mesh nets for nonregulated species, on an annual exemption basis, under the provisions of § 240.2(a)(1)(iii), the owner or master of such fishing vessel shall furnish, immediately following the sale or delivery of a catch of fish a report, certified to be correct by said owner or master, listing separately by species and weight the total quantities of fish sold or delivered. Forms for this purpose will be furnished without charge by the National Marine Fisheries Service. Failure to submit the report required by this subdivision shall be cause for the revocation of the annual exemption license.

§ 240.5 Closed seasons and areas.

(a) It shall be unlawful for any person to use, during the period from 0001 hours, March 1 to 2400 hours, May 31 of 1972, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gill net, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65°44′ W.—42°04′ N., 64°30′ W.—42°40′ N., 64°30′ N., 64°30′ W.—42°00′ N., 66°32′ W.—43°00′ N., 66°32′ W.—42°20′ N., 66°00′ W.—42°20′ N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′ W.—42°10′ N., 69°10′ W.—41°10′ N., 68°30′ W.—41°35′ N., 69°00′ W.—42°10′ N.,

(ii) 67°00′ W.—42°20′ N., 67°00′ W.—41°15′ N., 65°40′ W.—41°15′ N., 65°40′ W.—42°00′ N., 66°00′ W.—42°20′ N.,

(iii) except that long line vessels using hooks having a gap of not less than 3 cm. (1⅛″) may fish in these areas without restriction.

(b) It shall be unlawful for any person to fish for or possess on board any fishing vessel, red hake *Urophycis chuss* (Walb.), and silver hake *Merluccius bilinearis* (Mitch.) during the period of January 1 to March 31, 1972, in the area bounded by the coordinates 69°00′ W.—71°40′ W. and 39°50′ N.—40°20′ N.: *Provided,* That during this period vessels fishing for other species of fin fish, crustacea, or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

(c) The use, in fishing for the regulated species within the regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net is prohibited: *Provided,* That an approved chafer described in § 240.1(d) may be used.

(d) It is unlawful to file any false statement, or to make any false records, required by these regulations.[1]

Subpart B—Groundfish Fisheries

§ 240.10 Catch limits.

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X and Division 4W of Subarea 4, and Subarea 5 by the fishing vessels of all Contracting Governments participating in the fishery during 1972.

(1) The annual catch in Subarea 4, Division 4X, shall not exceed 9,000 metric tons (round, fresh weight).

(2) The annual catch in Subarea 4, Division 4W shall not exceed 4,000 metric tons (round, fresh weight).

(3) The annual catch in Subarea 5 shall not exceed 6,000 metric tons (round, fresh weight).

§ 240.11 Open season.

(a) The open season for haddock fishing in Division 4X and Division 4W of

[1] 18 U.S.C. 1001 provides that whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, cancels, or covers up by any trick, scheme, or device a material fact, uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January and terminate at a time and a date to be determined and announced as provided in this paragraph: *Provided,* That the areas described in § 240.5(a) shall be closed to any vessel using gear capable of catching demersal species from 0001 hours, March 1, to 2400 hours May 31, 1972. This includes any trawl gear or similar devices, hook and line except as otherwise provided, and gill net.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all Contracting Governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock, in each subarea making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.10, the Executive Secretary shall notify each Contracting Government of that fact.

(2) If, after having given the notification provided in subparagraph (1) of this paragraph, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days haddock fishing may be permitted in each subarea.

(3) Within 10 days of the receipt of the notification specified in subparagraphs (1) or (2) of this paragraph, the Director shall announce by publication in the FEDERAL REGISTER the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

§ 240.12 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, after the dates announced in the manner provided in § 240.11(b)(3) for the closure of the haddock fishing seasons in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess haddock on board such vessel in those areas or to land haddock taken in those areas in any port or place until the haddock fishing season reopens on January 1 next following the close of the season.

(b) Any fishing vessel which had departed port to engage in haddock fishing under the provisions of § 240.2(a)(1)(i) prior to the date of the closure of haddock fishing in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain haddock in the division or subarea for which the closure has been announced for a period of time not to exceed 10 days, at which time fishing for haddock in the closed division or subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period provided in the preceding paragraph each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Customs or Coast Guard of his arrival.

(c) Any master or person in charge of a fishing vessel licensed to take regulated species from waters of the Convention Area may continue to fish in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of haddock in his possession must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(d) Any master or person in charge of a fishing vessel which has departed port after the date of closure of haddock fishing in Division 4X or 4W in Subarea 4, or Subarea 5, may take, possess on board and land in any port or place such haddock as may be taken incidentally to a fishery for nonregulated species: *Provided,* That the master of the said vessel has on board the appropriate license as required under § 240.2(a)(1) and complies with the limitations specified in § 240.3 (b) or (c) and the reporting requirements, where required, in § 240.4 (b): *Provided further,* That nothing contained herein shall be construed to amend, modify or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.5.

(1) The provisions of this paragraph shall apply to all fishing trips begun during the current calendar year, whether completed before January 1 or not.

§ 240.13 Gear restrictions.

(a) It shall be unlawful for any person operating a vessel under a license for regulated species, other than yellowtail flounders, to have on board such vessel a net or parts of nets with a measurement smaller than that provided below:

(1) In Subareas 1 and 2, 5⅛" (130 mm.); double manila or the equivalent;

(2) In Subareas 3, 4, and 5, 4½" (114 mm.); double manila or the equivalent.

Subpart C—Flatfish Fisheries

§ 240.20 Catch limits.

An annual limitation of 26,000 metric tons is placed on yellowtail flounder in 1972 taken by fishing vessels of Contracting Governments in Subarea 5.

(a) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00' W. shall not exceed 10,000 metric tons to be taken in quarterly increments as follows:

January 1—March 31	2,100 metric tons.
April 1—June 30	1,000 metric tons.
July 1—September 30	1,600 metric tons.
October 1—December 31	2,100 metric tons.

(b) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00' W. shall not exceed 16,000 metric tons to be taken in quarterly increments as follows:

January 1—March 31	1,900 metric tons.
April 1—June 30	3,550 metric tons.
July 1—September 30	4,400 metric tons.
October 1—December 31	2,600 metric tons.

(c) The Director may adjust the quota in either area by publication in the FEDERAL REGISTER.

§ 240.21 Open season.

The open season for yellowtail flounder fishing in Subarea 5 in 1972 shall begin at 0001 hours local time on the first day of January, April, July, and October, and terminate at a time and date to be announced by the Director as provided in paragraph (a) of this section.

(a) The Director shall announce the closing time and date of the first, second, and third quarters when he has determined on the basis of catch data and catch rates that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5 in either area (east or west of 69°00' W.) will equal the quarterly quota established in § 240.20 (b). Such announcement shall be made by publication in the FEDERAL REGISTER. Closure of the last quarter will be in accordance with the procedures set forth in paragraph (b) (1), (2), and (3) of this section.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Subarea 5 during the open season by the vessels of all contracting governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of yellowtail flounder, including discards, in each of the areas described in § 240.20, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.20, the Executive Secretary shall notify each contracting government of that fact.

(2) If, after having given the notification provided in subparagraph (1) of this paragraph, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each contracting government, stating the number of additional days yellowtail flounder fishing may be permitted in each area.

(3) Within 10 days of the receipt of either notification specified in subparagraphs (1) and (2) of this paragraph, the Director shall announce by publication in the FEDERAL REGISTER the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

§ 240.22 General restrictions.

(a) Except as provided in subparagraphs (1) or (2) of this paragraph and paragraph (b) of this section, after the dates announced in the manner provided in § 240.21(a) for the closing of the yellowtail flounder fishing season or seasons, it shall be unlawful for any master

or other person in charge of a fishing vessel to possess yellowtail flounder in the closed Regulatory Areas or to land yellowtail flounder taken in those areas in any port or place until the next succeeding open season for yellowtail flounder.

(1) In the event of a closure of any of the first three quarters as provided under § 240.21(a), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 prior to the date of the closure may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.21(b)(3), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 prior to date of the closure may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 10 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10-day or 5-day period provided under the preceding paragraph, each such vessel must return to a port or place in the United States and the master or person in charge must immediately on the return, notify any officer of the National Marine Fisheries Service, U.S. Customs or Coast Guard of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure of yellowtail flounder fishing either east or west of 69°00′ W. in Subarea 5 may take, possess on board and land in any port or place such yellowtail flounder as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided,* That the owner or operator of said vessel has on board the appropriate license as required under § 240.2(a)(1) and complies with the limitations specified in § 240.3 (b) or (c) and the reporting requirements, where required, in § 240.4(b): *Provided further,* That nothing contained herein shall be construed to amend, modify or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.5.

(1) The provisions of this paragraph shall apply to all fishing trips begun during the current calendar year, whether completed before January 1 or not.

§ 240.23 Gear restrictions.

(a) It shall be unlawful for any person operating a vessel under a license for yellowtail flounders, to have on board such vessel a net or parts of nets with a measurement smaller than that provided below:

(1) In Subarea 5, 5⅛″ (130 mm.) double manila or the equivalent.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-154]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation regulations so as to alter the Bluefield, W. Va., control zone (36 F.R. 2063) and transition area (36 F.R. 2156).

A new VOR/DME A instrument approach procedure for Mercer County Airport, Bluefield, W. Va., has been developed and the controlled airspace required to protect aircraft executing the new procedure is included in this proposal.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bluefield, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete the description of the Bluefield, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 37°-17′45″ N., 81°12′29″ W., of Mercer County Airport, Bluefield, W. Va.; within a 7.5-mile radius of the center of the airport, extending clockwise from a 079° bearing from the airport to a 125° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 170° bearing from the airport to a 239° bearing from the airport; within 3 miles each side of the Bluefield VORTAC 047° radial, extending from the 5.5-mile radius zone to 9.5 miles northeast of the VORTAC and within 4.5 miles each side of the Bluefield VORTAC 224° radial, extending from the 5.5-mile radius zone to 17 miles southwest of the VORTAC.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Bluefield, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 37°17′45″ N., 81°12′29″ W., of Mercer County Airport, Bluefield, W. Va.; within a 14.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 113° bearing from the airport; within a 17-mile radius of the center of the airport, extending clockwise from a 113° bearing to a 195° bearing from the airport; within a 23.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 248° bearing from the airport and within 3.5 miles each side of the Bluefield VORTAC 047° radial, extending from the 11-mile-radius area to 11 miles northeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 16, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17954 Filed 11-30-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-147]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation regulations so as to alter the Clarksburg, W. Va., control zone (36 F.R. 2069, 11915) and transition area (36 F.R. 2167).

A review of the airspace requirements for the Clarksburg, W. Va., terminal area establishes a need to alter the controlled airspace to conform to the U.S. Standard for Terminal Instrument Procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation

Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Clarksburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center of 39° 17'44" N., 80°13'46" W. of Benedum Airport, and within 3 miles each side of the Clarksburg VOR 219° radial extending from the 5.5-mile-radius zone to 8.5 miles southwest of the VOR. This control zone is effective 0700 to 2300 hours, local time daily.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of 39°17'44" N., 80°13'46" W. of Benedum Airport and within 5 miles each side of the Clarksburg VOR 219° radial extending from the 8.5-mile-radius area to 11.5 miles southwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 16555(c)).

Issued in Jamaica, N.Y., on November 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17451 Filed 11-30-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-153]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation regulations so as to designate a Dublin, Va., control zone and alter the Dublin, Va., transition area (36 F.R. 2178).

A new localizer instrument approach procedure for New River Valley Airport has been developed and requires an alteration of the transition area to protect aircraft utilizing the new approach. Additionally the weather reporting and communications at the airport permit the designation of a part time control zone.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Dublin, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to designate a Dublin, Va., control zone as follows:

DUBLIN, VA.

Within a 5-mile radius of the center 37°08'-12" N., 80°40'50" W. of New River Valley Airport, Dublin, Va.; within an 11-mile radius of the center of the airport, extending clockwise from a 250° bearing to a 295° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 295° bearing to a 037° bearing from the airport; and within 3.5 miles each side of the Pulaski VORTAC 012° and 192° radials, extending from the 5-mile-radius zone to 10.5 miles south of the VORTAC. This control zone is effective from 0900 to 2000 hours, local time, daily.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Dublin, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°08'12" N., 80°40'50" W., of New River Valley Airport, Dublin, Va.; within a 23-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 272° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 272° bearing to a 291° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 314° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 015° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 015° bearing to a 060° bearing from the airport; within 5 miles each side of the Pulaski VORTAC 192° radial extending from the VORTAC to 11.5 miles south of the VORTAC and within 5 miles each side of the 233° bearing from a point 37°08'39" N., 80°40'03" W., extending from said point to a point 16 miles southwest.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17453 Filed 11-30-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-149]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Lynchburg, Va., control zone (36 F.R. 2100) and transition area (36 F.R. 2223).

A review of the air space requirements for the Lynchburg, Va., terminal area establishes a need to alter the controlled air space to conform to the U.S. Standard for Terminal Instrument Procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considerd before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lynchburg, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations, so as to delete the description of the Lynchburg, Va., control zone and substitute the following in lieu thereof:

Within a 5.5-mile radius of the center 37°19'37" N., 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, Va.; within 3 miles each side of the Lynchburg, Va., VORTAC 021° and 201° radials extending from the 5.5-mile-radius zone to 1 mile south of the VORTAC; within 2 miles each side of the Lynchburg, Va., VORTAC 023° radial extending from the 5.5-mile-radius zone to 13 miles northeast of the VORTAC and within a 1.5-mile radius of the center 37°22'40" N., 79°07'21" W. of Falwell Airport, Lynchburg, Va. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Lynchburg, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 37°19'37" N., 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, Va.; within 3 miles each side of the Lynchburg, Va., VORTAC 201° radial, extending from the 9-mile-radius area to 8.5 miles south of the VORTAC and within 3.5 miles each side of the Lynchburg, Va., VORTAC 023° radial extending from the 9-mile-radius area to 24.5 miles northeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-17452 Filed 11-30-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-101]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Newman, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Newnan transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newnan-Coweta County Airport (lat. 33°19'06" N., long. 84°46'18" W.); within 2.5 miles each side of LaGrange VORTAC 053° radial, extending from the 5-mile-radius area to 19.5 miles northeast of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Newnan-Coweta County Airport. A prescribed instrument approach procedure to this airport, utilizing the LaGrange VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on November 17, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc.71-17450 Filed 11-30-71;8:46 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WE-58]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from Phoenix, Ariz., to Abilene, Tex., via Truth or Consequences, N. Mex., and Roswell, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed jet route would provide an additional east-west route to help relieve the congestion over El Paso, Tex., and would be approximately 20 miles shorter than present routes between Dallas, Tex., and Los Angeles, Calif. The segment of this route between Truth or Consequences, N. Mex., and Roswell, N. Mex., is coincident with J-166 and is aligned in part within Restricted Area R-5107G. Operation along that portion of the proposed jet route which lies within R-5107G would be authorized only during the times that R-5107G is not being used for the purpose for which it was designated.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 24, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-17455 Filed 11-30-71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 50, 70, 115]

ISSUANCE OF FACILITY CONSTRUCTION PERMITS AND MATERIALS LICENSES

Prohibition of Activities and Environmental Review

Section 50.10 of the Atomic Energy Commission's regulations, 10 CFR Part 50, presently prohibits the beginning of the construction of a production or utilization facility on the site on which the facility is to be operated until a construction permit has been issued. According to § 50.10(b), construction is deemed to include pouring the foundation for or the installation of, any portion of the permanent facility on the site, but is not deemed to include (1) site exploration, site excavation, preparation of the site for construction of the facility, including the driving of piles and construction of roadways, railroad spurs, and transmission lines; (2) procurement or manufacture of components of the facility; (3) construction of nonnuclear facilities and temporary buildings for use in connection with the construction of the facility; and (4) with respect to production or utilization facilities, other than testing facilities, licensed pursuant to section 104a. or section 104c. of the Act, the construction of buildings which will be used for activities other than operation of a facility and which may also be used to house a facility, such as a college laboratory building with space for installation of a training reactor.

The Commission has under consideration amendments of Part 50 which would

redefine the commencement of construction as that term is applied to production or utilization facilities subject to Appendix D of Part 50 (i.e., nuclear power reactors, testing facilities, fuel reprocessing plants, and such other production or utilization facilities determined by the Commssion to have a significant impact on the environment). "Commencement of constructon" would be defined to include any clearing of land, excavation or other substantial action that would adversely affect the natural environment of a site and construction of nonnuclear facilities (such as turbo-generators and turbine buildings), but would not include (1) changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values; or (2) procurement or manufacture of components of the facility.

The proposed amendments, if adopted, would apply to activities being conducted under § 50.10(b) now in effect. Provision is made, however, in the proposed amendments for Commission authorization of continuation of such activities upon consideration and balancing of certain specified environmental factors.

Section 50.12, relating to specific exemptions, would be amended to require persons presently authorized, under such exemptions, to conduct activities prior to the issuance of a construction permit for a facility subject to Appendix D to show cause why, with reference to specified environmental considerations, the exemptions should not be revoked. In the event that any exemption for preconstruction permit activities under § 50.12 is issued after the effective date of the proposed amendment, it would be only after appropriate conclusions with respect to the specified environmental considerations had been reached.

The notice of proposed rule making proposing amendments to, inter alia, §§ 50.12 and 115.5 of 10 CFR Parts 50 and 115 respectively, published on February 19, 1969 (34 F.R. 2357), is withdrawn.

The Commission is also considering the adoption of amendments to Parts 30, 40, and 70 of its regulations in Title 10 of the Code of Federal Regulations which would provide for Commission environmental review prior to commencement of construction of plants and facilities in which activities subject to materials licensing requirements and to Appendix D of Part 50 will be conducted. "Commencement of construction" would be defined in the same manner as defined for facility licenses.

Applications for the following types of materials licenses would presently be subject to the proposed requirements: (a) Licenses for possession and use of special nuclear materials for processing and fuel fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial.

In order to assure that an opportunity is provided for full consideration of environmental effects before site preparation is begun, the proposed amendments would require that applications for such materials licenses be filed at least 9 months prior to commencement of construction of plants or facilities in which the licensed activities will be conducted. The proposed amendments would also add, as a condition of issuance of such licenses, that the Director of Regulation or his designee, prior to commencement of construction of such plants or facilities, had reached a favorable conclusion with respect to environmental considerations after completion of the environmental review required by Appendix D of 10 CFR Part 50.

The Commission considers that the proposed amendments are consistent with the direction of the Congress, expressed in section 102 of the National Environmental Policy Act of 1969 that, to the fullest extent possible, the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in that Act. Since site preparation constitutes a key point, from the standpoint of environmetal impact, in connection with the licensing of nuclear facilities and materials, the proposed amendments would enable consideration and balancing of a broader range of realistic alternatives and provide a more significant mecahnism for protecting the environment during the earlier stages of a licensed project.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 30, 40, 50, and 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. A new paragraph (w) is added to § 30.4 of 10 CFR Part 30 to read as follows:

§ 30.4 Definitions.

* * * * *

(w) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine site characteristics or other preconstruction monitoring to establish background information related to the suitability of a site or to the protection of environmental values.

2. Paragraph (f) of § 30.32 of 10 CFR Part 30 is amended to read as follows:

§ 30.32 Applications for specific licenses.

* * * * *

(f) An application for a license to receive and possess byproduct material for commercial waste disposal by land burial or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment shall be filed at least 9 months prior to commencement of construction of the plant or facility in which the activity will be conducted and shall be accompanied by any Environmental Report required pursuant to Appendix D of Part 50 of this chapter.

3. In § 30.33 of 10 CFR Part 30, paragraph (a)(5) is amended to read as follows:

§ 30.33 General requirements for issuance of specific licenses.

(a) An application for a specific license will be approved if:

* * * * *

(5) In the case of an application for a license to receive and possess byproduct material for commercial waste disposal by land burial, or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment, the Director of Regulation or his designee, before commencement of construction of the plant or facility in which the activity will be conducted, on the basis of information filed and evaluations made pursuant to Appendix D of Part 50 of this chapter, has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion may be grounds for denial of a license to receive and possess byproduct material in such plant or facility.

* * * * *

4. A new paragraph (n) is added to § 40.4 of 10 CFR Part 40 to read as follows:

§ 40.4 Definitions.

* * * * *

(n) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site but does not include changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine site characteristics or other preconstruction monitoring to establish background information related to the suitability of a site or to the protection of environmental values.

5. Paragraph (f) of § 40.31 of 10 CFR Part 40 is amneded to read as follows:

§ 40.31 Applications for specific licenses.

* * * * *

(f) An application for a license to possess and use source material for uranium milling, production of uranium hexafluoride, commercial waste disposal by land burial or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment shall be filed at least 9 months prior to commencement of construction of the plant or facility in which the activity will be conducted and shall be accompanied by any Environmental Report required pursuant to Appendix D of Part 50 of this chapter.

6. Paragraph (e) of § 40.32 of 10 CFR Part 40, is amended to read as follows:

§ 40.32 Requirements for issuance of specific licenses.

An application for a specific license for purposes other than export will be approved if:

* * * * *

(e) In the case of an application for a license to possess and use source material for uranium milling, production of uranium hexafluoride, commercial waste disposal by land burial or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment, the Director of Regulation or his designee, before commencement of construction of the plant or facility in which the activity will be conducted, on the basis of information filed and evaluations made pursuant to Appendix D of Part 50 of this chapter, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion may be grounds for denial of a license to possess and use source material in such plant or facility.

7. In § 50.10 of 10 CFR Part 50, a sentence is added to paragraph (b) and new paragraphs (c) and (d) are added to reads as follows:

§ 50.10 License required.

* * * * *

(b) * * * This paragraph does not apply to production or utilization facilities subject to paragraph (c) of this section.

(c) Notwithstanding the provisions of paragraph (b) of this section, and subject to paragraph (d) of this section, no person shall effect commencement of construction of a production or utilization facility subject to the provisions of Appendix D on a site on which the facility is to be operated until a construction permit has been issued. As used in this paragraph, the term "commencement of construction" means any clearing of land, excavation or other substantial action that would adversely affect the natural environment of a site and construction of nonnuclear facilities (such as turbogenerators and turbine buildings) for use in connection with the facility, but does not mean:

(1) Changes desirable for the temporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values;

(2) Procurement or manufacture of components of the facility; and

(3) With respect to production or utilization facilities, other than testing facilities, required to be licensed pursuant to section 104a. or section 104c. of the Act, the construction of buildings which will be used for activities other than operation of a facility and which may also be used to house a facility. (For example, the construction of a college laboratory building with space for installation of a training reactor is not affected by this paragraph.)

(d) (1) Each person subject to the provisions of paragraph (c) of this section, who is, on (effective date of these amendments), conducting activities permitted pursuant to paragraph (b) of this section in effect prior to (effective date of these amendments), may furnish to the Commission within 30 days after (effective date of these amendments) or such later date as may be approved by the Commission upon good cause shown, a written statement of any reasons, with supporting factual submission, why, with reference to the factors stated in subparagraph (2) of this paragraph (d), the activities should be continued, pending the issuance of a construction permit, notwithstanding the provisions of paragraph (c) of this section. If such written statement has been submitted within the time specified, such activities may continue to be conducted pending Commission action pursuant to subparagraph (2) of this paragraph (d).

(2) Upon submission of a statement of reasons pursuant to subparagraph (1) of this paragraph (d), the Commission may authorize the continued conduct of activities permitted by paragraph (b) of this section in effect prior to (effective date of these amendments), upon consideration and balancing of the following factors:

(i) Whether continuation of the activities will give rise to a significant adverse impact on the environment and the nature and extent of such impact, if any;

(ii) Whether redress of any adverse environmental impact from continuation of the activities can reasonably be effected should such redress be necessary;

(iii) Whether continuation of the activities would foreclose subsequent adoption of alternatives; and

(iv) The effect of delay in conducting such activities on the public interest, including the power needs to be served by the proposed facility, the availability of alternative sources, if any, to meet those needs on a timely basis, and delay costs to the applicant and to consumers.

8. The present text of § 50.12 of 10 CFR Part 50 is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 50.12 Specific exemptions.

(a) The Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

(b) Each person who, on (effective date of these amendments), pursuant to an exemption granted under paragraph (a) of this section, is authorized to conduct activities prior to the issuance of a construction permit for a facility subject to the provisions of Appendix D shall show cause to the Commission within 30 days after (effective date of these amendments) or such later date as may be approved by the Commission why, with reference to the matters in subparagraphs (1) through (4) of this paragraph (b), the exemption should not be revoked:

(1) Whether conduct or continuation of the activities will give rise to a significant adverse impact on the environment and the nature and extent of such impact, if any;

(2) Whether redress of any adverse environmental impact from conduct or continuation of the activities can reasonably be effected if necessary;

(3) Whether conduct or continuation of the activities would foreclose subsequent adoption of alternatives; and

(4) The effect of delay in conducting the activities on the public interest, including the power needs to be served by the proposed facility, the availability of alternative sources, if any, to meet those needs on a timely basis, and delay costs to the applicant and to consumers.

Upon consideration and balancing of those factors, the Commission may continue the exemption. Continuation of such an exemption shall not be deemed to constitute a commitment to issue a construction permit.

9. Paragraph (f) of § 50.30 of 10 CFR Part 50 is amended to read as follows:

§ 50.30 Filing of applications for licenses, oath or affirmation.

* * * * *

(f) *Environmental report.* An application for a construction permit or an operating license for a nuclear power reactor, testing facility, fuel reprocessing plant, or such other production or utilization facility whose construction or operation may be determined by the Commission to have a significant impact on the environment shall be accompanied by any Environmental Report required pursuant to Appendix D.

10. A new paragraph (s) is added to § 70.4 of 10 CFR Part 70 to read as follows:

§ 70.4 Definitions.

* * * * *

(s) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site but does not include changes

desirable for the temporary use of the land for public recreational uses, necessary borings to determine site characteristics or other preconstruction monitoring to establish background information related to the suitability of a site or to the protection of environmental values.

11. Paragraph (f) of § 70.21 of 10 CFR Part 70 is amended to read as follows:

§ 70.21 Filing.

* * * * *

(f) An application for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery or conversion of uranium hexafluoride, commercial waste disposal by land burial or for the conduct of any other activity which the Commission determines will significantly affect the quality of the environment shall be filed at least 9 months prior to commencement of construction of the plant or facility in which the activity will be conducted, and shall be accompanied by any Environmental Report required under Appendix D of Part 50 of this chapter.

* * * * *

12. In § 70.23(a) of 10 CFR Part 70, the prefatory language and subparagraph (7) are amended to read as follows:

§ 70.23 Requirements for the approval of applications.

(a) An application for a license, other than a license for export, will be approved if:

* * * * *

(7) Where the proposed activity is processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, commercial waste disposal by land burial, or any other activity which the Commission determines will significantly affect the quality of the environment, the Director of Regulation or his designee, before commencement of construction of the plant or facility in which the activity will be conducted, on the basis of information filed and evaluations made pursuant to Appendix D of Part 50 of this chapter, has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion may be grounds for denial of a license to possess and use special nuclear material in such plant or facility.

* * * * *

(Secs. 101, 161, 185, 68 Stat. 936, 948, 955, as amended; 42 U.S.C. 2131, 2201, 2235)

Dated at Bethesda, Md., this 26th day of November 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-17565 Filed 11-30-71;8:55 am]

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Consideration of Accidents in Implementation of the National Environmental Policy Act of 1969

The Atomic Energy Commission has under consideration amendments to Appendix D of its regulation 10 CFR Part 50, Licensing of Production and Utilization Facilities, an "Interim Statement of General Policy and Procedure: Implementation of the National Environmental Policy Act of 1969 (Public Law 91-190)." The proposed amendments would, by the addition of an annex to Appendix D, specify certain standardized accident assumptions to be used in Environmental Reports submitted by applicants for construction permits or operating licenses for nuclear power reactors pursuant to Appendix D.[1] The accident assumptions and other provisions of the proposed amendments would also be applicable to AEC draft and final Detailed Statements.

The Commission invites written comments or suggestions from all interested persons on the proposed amendments set forth below as well as on the treatment of the probabilities of the accidents.

The Commission expects that the provisions of the proposed amendments will be useful as interim guidance until such time as the Commission takes further action on them.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. A sentence is added at the end of paragraph 4, of section A of Appendix D to read as follows:

[1] In conjunction with the revision of Appendix D on Sept. 9, 1971 (36 F.R. 18071), there was transmitted to applicants for licenses to construct or operate nuclear power plants, and made available to the public, a document dated Sept. 1, 1971, entitled "Scope of Applicant's Environmental Reports with Respect to Transportation, Transmission Lines and Accidents." This document was a supplement to the guidance provided to license applicants in the "Draft AEC Guide to the Preparation of Environmental Reports for Nuclear Power Plants," dated Feb. 19, 1971, also made available to the public.

APPENDIX D—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91-190)

* * * * *

A. *Basic procedures.*

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4. * * * The Environmental Report required by paragraph 1 shall also include a discussion of accidents, based on the assumptions set forth in the annex to this appendix.

* * * * *

2. An annex is added to Appendix D to read as follows:

ANNEX

DISCUSSION OF ACCIDENTS IN APPLICANTS' ENVIRONMENTAL REPORTS: ASSUMPTIONS

This Annex requires certain assumptions to be made in discussion of accidents in Environmental Reports submitted pursuant to Appendix D by applicants[1] for construction permits or operating licenses for nuclear power reactors.[2]

Postulated accidents are discussed in another context in applicants' safety analysis reports. The principal line of defense is accident prevention through correct design, manufacture, and operation, and a quality assurance program is used to provide and maintain the necessary high integrity of the reactor system. Deviations that may occur are handled by protective systems to place and hold the plant in a safe condition. Notwithstanding all this, the conservative postulate is made that serious accidents might occur, in spite of the fact that they are extremely unlikely, and engineered safety features are installed to mitigate the consequences of these unlikely postulated events.

In the consideration of the environmental risks associated with the postulated accidents, the probabilities of their occurrence and their consequences must both be taken into account. Since it is not practicable to consider all possible accidents, the spectrum of accidents, ranging in severity from trivial to very serious, is divided into classes.

Each class can be characterized by an occurrence rate and a set of consequences.

Standardized examples of classes of accidents to be considered by applicants in preparing the section of Environmental Reports dealing with accidents are set out in tabular form below. The spectrum of accidents, from the most trivial to the most severe, is divided into nine classes, some of which have subclasses. The accidents stated in each of the eight classes in tabular form below are representative of the types of accidents that must be analyzed by the applicant in Environmental Reports; however, other accident

[1] Although this annex refers to applicants' Environmental Reports, the current assumptions and other provisions thereof are applicable, except as the content may otherwise require, to AEC draft and final Detailed Statements.

[2] Preliminary guidance as to the content of applicants' Environmental Reports was provided in the Draft AEC Guide to the Preparation of Environmental Reports for Nuclear Power Plants dated Feb. 19, 1971, a document made available to the public as well as to the applicant. Guidance concerning the discussion of accidents in environmental reports was provided to applicants in a Sept. 1, 1971, document entitled "Scope of Applicants' Environmental Reports with Respect to Transportation, Transmission Lines and Accidents," also made available to the public.

assumptions may be more suitable for individual cases. Where assumptions are not specified, or where those specified are deemed unsuitable, assumptions as realistic as the state of knowledge permits shall be used, taking into account the specific design and operational characteristics of the plant under consideration.

For each class, except Classes 1 and 9, the environmental consequences shall be evaluated as indicated. Those classes of accidents, other than Classes 1 and 9, found to have significant adverse environmental effects shall be evaluated as to probability, or frequency of occurrence, to permit estimates to be made of environmental risk or cost arising from accidents of the given class.

Class 1 events need not be considered because of their trivial consequences.

Class 8 events are those considered in safety analysis reports and AEC staff safety evaluations. They are used, together with highly conservative assumptions, as the design-basis events to establish the performance requirements of engineered safety features. The highly conservative assumptions and calculations used in AEC safety evaluations are not suitable for environmental risk evaluation, because their use would result in a substantial overestimate of the environmental risk. For this reason, Class 8 events shall be evaluated realistically. Consequences predicted in this way will be far less severe than those given for the same events in safety analysis reports where more conservative evaluations are used.

The occurrences in Class 9 involve sequences of postulated successive failures more severe than those postulated for the design basis for protective systems and engineered safety features. Their consequences could be severe. However, the probability of their occurrence is so small that their environmental risk is extremely low. Defense in depth (multiple physical barriers), quality assurance for design, manufacture, and operation, continued surveillance and testing, and conservative design are all applied to provide and maintain the required high degree of assurance that potential accidents in this class are, and will remain, sufficiently remote in probability that the environmental risk is extremely low. For these reasons, it is not necessary to discuss such events in applicants' Environmental Reports.

Furthermore, it is not necessary to take into account those Class 8 accidents for which the applicant can demonstrate that the probability has been reduced and thereby the calculated risk to the environment made equivalent to that which might be hypothesized for a Class 9 event.

Applicants may substitute other accident class breakdowns and alternative values of radioactive material releases and analytical assumptions, if such substitution is justified in the Environmental Report.

ACCIDENT ASSUMPTIONS

TABLE OF CONTENTS

ACCIDENT ASSUMPTIONS

ACCIDENT—1.0 TRIVIAL INCIDENTS

These incidents shall be included and evaluated under routine releases in accordance with proposed Appendix I.[1]

ACCIDENT—2.0 SMALL RELEASE OUTSIDE CONTAINMENT

These releases shall include such things as releases through steamline relief valves and small spills and leaks of radioactive materials outside containment. These releases shall be included and evaluated under routine releases in accordance with proposed Appendix I.

ACCIDENT—3.0 RADWASTE SYSTEM FAILURE

3.1 *Equipment leakage or malfunction* (includes operator error).

(a) Radioactive gases and liquids: 25 percent of average inventory in the largest storage tank shall be assumed to be released.

(b) Meteorology assumptions—χ/Q values are to be 1/10 of those given in AEC Safety Guide No. 3 or 4.[2]

(c) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

3.2 *Release of waste gas storage tank contents* (includes failure of release valve and rupture disks).

(a) 100 percent of the average tank inventory shall be assumed to be released.

(b) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(c) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

3.3 *Release of liquid waste storage tank contents.*

(a) Radioactive liquids—100 percent of the average storage tank inventory shall be assumed to be spilled on the floor of the building.

(b) Building structure shall be assumed to remain intact.

(c) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(d) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

ACCIDENT—4.0 FISSION PRODUCTS TO PRIMARY SYSTEM (BWR)

4.1 *Fuel cladding defects.*

Releases from these events shall be included and evaluated under routine releases in accordance with proposed Appendix I.

4.2 *Off-design transients that induce fuel failures above those expected* (such as flow blockage and flux maldistributions).

(a) 0.02 percent of the core inventory of noble gases and 0.02 percent of the core inventory of halogens shall be assumed to be released into the reactor coolant.

(b) 1 percent of the halogens in the reactor coolant shall be assumed to be released into the steam.

(c) The mechanical vacuum pump shall be assumed to be automatically isolated by a high radiation signal on the steamline.

(d) Radioactivity shall be assumed to carry over to the condenser where 10 percent of the halogens shall be assumed to be available for leakage from the condenser to the environment at 0.5 percent/day for the course of the accident (24 hours).

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 dated November 2, 1970.

(f) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

ACCIDENT—5.0 FISSION PRODUCTS TO PRIMARY AND SECONDARY SYSTEMS (PRESSURIZED WATER REACTOR)

5.1 *Fuel cladding defects and steam generator leak.*

Releases from these events shall be included and evaluated under routine releases in accordance with proposed Appendix I.

5.2 *Off-design transients that induce fuel failure above those expected and steam generator leak* (such as flow blockage and flux maldistributions).

(a) 0.02 percent of the core inventory of noble gases and 0.02 percent of the core inventory of halogens shall be assumed to be released into the reactor coolant.

(b) Average inventory in the primary system prior to the transient shall be based on operation with 0.5 percent failed fuel.

(c) Secondary system equilibrium radioactivity prior to the transient shall be based on a 20 gal./day steam generator leak and a 10 g.p.m. blowdown rate.

(d) All noble gases and 0.1 percent of the halogens in the steam reaching the condenser shall be assumed to be released by the condenser air ejector.

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 4.

(f) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

5.3 *Steam generator tube rupture.*

(a) 15 percent of the average inventory of noble gases and halogens in the primary coolant shall be assumed to be released into the secondary coolant.

The average primary coolant activity shall be based on 0.5 percent failed fuel.

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[1] 36 F.R. 11113, June 8, 1971.

[2] Copies of such Guide(s), dated Nov. 2, 1970, are available at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and on request to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Equilibrium radioactivity prior to rupture shall be based on a 20 gallon per day steam generator leak and a 10 g.p.m. blowdown rate.

(c) All noble gases and 0.1 percent of the halogens in the steam reaching the condenser shall be assumed to be released by the condenser air ejector.

(d) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 4.

(e) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

ACCIDENT—6.0 REFUELING ACCIDENTS

6.1 *Fuel bundle drop.*

(a) The gap activity (noble gases and halogens) in one row of fuel pins shall be assumed to be released into the water. (Gap activity is 1 percent of total activity in a pin.)

(b) One week decay time before the accident occurs shall be assumed.

(c) Iodine decontamination factor in water shall be 500.

(d) Charcoal filter efficiency for iodines shall be 99 percent.

(e) A realistic fraction of the containment volume shall be assumed to leak to the atmosphere prior to isolating the containment.

(f) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(g) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

6.2 *Heavy object drop onto fuel in core.*

(a) The gap activity (noble gases and halogens) in one average fuel assembly shall be assumed to be released into the water. (Gap activity shall be 1 percent of total activity in a pin.)

(b) 100 hours of decay time before object is dropped shall be assumed.

(c) Iodine decontamination factor in water shall be 500.

(d) Charcoal filter efficiency for iodines shall be 99 percent.

(e) A realistic fraction of the containment volume shall be assumed to leak to the atmosphere prior to isolating the containment.

(f) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(g) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

ACCIDENT—7.0 SPENT FUEL HANDLING ACCIDENT

7.1 *Fuel assembly drop in fuel storage pool.*

(a) The gap activity (noble gases and halogens) in one row of fuel pins shall be assumed to be released into the water. (Gap activity shall be 1 percent of total activity in a pin.)

(b) One week decay time before accident occurs shall be assumed.

(c) Iodine decontamination factor in water shall be 500.

(d) Charcoal filter efficiency for iodines shall be 99 percent.

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(f) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

7.2 Heavy object drop onto fuel rack.

(a) The gap activity (noble gases and halogens) in one average fuel assembly shall be assumed to be released into the water. (Gap activity is 1 percent of total activity in a pin).

(b) 30 days decay time before the accident occurs shall be assumed.

(c) Iodine decontamination factor in water shall be 500.

(d) Charcoal filter efficiency for iodines shall be 99 percent.

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(f) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

7.3 Fuel cask drop.

(a) Noble gas gap activity from one fully loaded fuel cask (120 day cooling) shall be assumed to be released. (Gap activity shall be 1 percent of total activity in the pins).

(b) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.

(c) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

ACCIDENT—8.0 ACCIDENT INITIATION EVENTS CONSIDERED IN DESIGN BASIS EVALUATION IN THE SAFETY ANALYSIS REPORT

8.1 *Loss-of-coolant accidents.*

	Small pipe break (6" or less)	*Large pipe break*
(a)	Source term—The average radioactivity inventory in the primary coolant shall be assumed (This inventory shall be based on operation with 0.5 percent failed fuel).	Source term—The average radioactivity inventory in the primary coolant shall be assumed (This inventory shall be based on operation with 0.5 percent failed fuel), plus release into the coolant of: *For pressurized water reactors*—2 percent of the core inventory of halogens and noble gases. *For boiling water reactors*—0.2 percent of the core inventory of halogens and noble gases.
(b)	Filter efficiencies shall be 95 percent for internal filters and 99 percent for external filters.	Filter efficiencies shall be 95 percent for internal filters and 99 percent for external filters.
(c)	50 percent building mixing for boiling water reactors shall be assumed.	50 percent building mixing for boiling water reactors shall be assumed.
(d)	For the effects of Plateout, Sprays, Decontamination Factor in Pool, and Core Sprays the following reduction factors shall be assumed: *For pressurized water reactors*—0.05 with chemical additives in sprays, 0.2 for no chemical additives. *For boiling water reactors*—0.2.	For the effects of Plateout, Containment Sprays, Core Sprays (values based on 0.5 percent of halogens in organic form) the following reduction factors shall be assumed: *For pressurized water reactors*—0.05 with chemical additives in sprays, 0.2 for no chemical additives. *For boiling water reactors*—0.2.
(e)	A realistic building leak rate as a function of time shall be assumed.	A realistic building leak rate as a function of time and including design leakage of steamline valves in BWRs shall be assumed.
(f)	Meteorology Assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.	Meteorology Assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3 or 4.
(g)	Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.	Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

8.1(a) *Break in instrument line from primary system that penetrates the containment* (lines not provided with isolation capability inside containment).

(a) The primary coolant inventory of noble gases and halogens shall be based on operation with 0.5 percent failed fuel.

(b) Release rate through failed line shall be assumed constant for the four hour duration of the accident.

(c) Charcoal filter efficiency shall be 99 percent.

(d) Reduction factor from combined plateout and building mixing shall be 0.1.

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3.

(f) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

8.2(a) *Rod ejection accident (pressurized water reactor).*

(a) 0.2 percent of the core inventory of noble gases and halogens shall be assumed to be released into the primary coolant plus the average inventory in the primary coolant

based on operation with 0.5 percent failed fuel.

(b) Loss-of-coolant accident occurs with break size equivalent to diameter of rod housing (See assumptions for Accident 8.1).

8.2(b) *Rod drop accident (boiling water reactor).*

Radioactive material released.

(a) 0.025 percent of the core inventory of noble gases and 0.025 percent of the core inventory of halogens shall be assumed to be released into the coolant.

(b) 1 percent of the halogens in the reactor coolant shall be assumed to be released into the condenser.

(c) The mechanical vacuum pump shall be assumed to be automatically isolated by high radiation signal on the steamline.

(d) Radioactivity shall be assumed to carry over to the condenser where 10 percent of the halogens shall be assumed to be available for leakage from the condenser to the environment at 0.5 percent/day for the course of the accident (24 hours).

(e) Meteorology assumptions—χ/Q values shall be 1/10 of those given in AEC Safety Guide No. 3.

(f) Consequences should be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

8.3(a) *Steamline breaks (pressurized water reactors—outside containment). Break size equal to area of safety valve throat.*

Small break

(a) Primary coolant activity shall be based on operation with 0.5 percent failed fuel. The primary system contribution during the course of the accident shall be based on a 20 gal./day tube leak.

(b) During the course of the accident a halogen reduction factor of 0.1 shall be applied to the primary coolant source when the steam generator tubes are covered; a factor of 0.5 shall be used when the tubes are uncovered.

(c) Secondary coolant system radioactivity prior to the accident shall be based on:

(*a*) 20 gallons per day primary-to-secondary leak.

(*b*) Blowdown of 10 g.p.m.

(d) Volume of one steam generator shall be assumed to be released to the atmosphere with an iodine partition factor of 10.

(e) Meteorology Assumptions—χ/Q values shall be $\frac{1}{10}$ of those given in AEC Safety Guide No. 4.

(f) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

Large break

(a) Primary coolant activity shall be based on operation with 0.5 percent failed fuel. The primary system contribution during the course of the accident shall be based on a 20 gal./day tube leak.

(b) A halogen reduction factor of 0.5 shall be applied to the primary coolant source during the course of the accident.

(c) Secondary coolant system radioactivity prior to the accident shall be based on:

(*a*) 20 gallons per day primary-to-secondary leak.

(*b*) Blowdown of 10 g.p.m.

(d) Volume of one steam generator shall be assumed to be released to the atmosphere with an iodine partition factor of 10.

(e) Meteorology Assumptions—χ/Q values shall be $\frac{1}{10}$ of those given in AEC Safety Guide No. 4.

(f) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

8.3(b) *Steamline breaks (boiling water reactor).*

Small pipe break (of ¼ ft.²)

(a) Primary coolant activity shall be based on operation with 0.5 percent failed fuel.

(b) The main steamline shall be assumed to fail releasing coolant until 5 seconds after isolation signal is received.

(c) Halogens in the fluid released to the atmosphere shall be at 1/10 the primary system liquid concentration.

(d) Meteorology assumptions—χ/Q values shall be 1/10 of those in AEC Safety Guide No. 3.

(e) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

Large break

(a) Primary coolant activity shall be based on operation with 0.5 percent failed fuel.

(b) Main steamline shall be assumed to fail releasing that amount of coolant corresponding to a 5-second isolation time.

(c) 1/2 the halogens in the fluid exiting the break shall be assumed to be released to the atmosphere.

(d) Meteorology assumptions—χ/Q values shall be 1/10 of those in AEC Safety Guide No. 3.

(e) Consequences shall be calculated by weighting the effects in different directions by the frequency the wind blows in each direction.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 26th day of November 1971.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-17564 Filed 11-30-71;8:55 am]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-431]

SUBSTITUTIONS OF STAFF ESTIMATES FOR LATE OR UNSUBMITTED LICENSEE'S STATEMENT

Notice of Proposed Rule Making

NOVEMBER 24, 1971.

Substitution of staff estimates for late or unsubmitted licensee's statement showing gross amount of power generated.

Pursuant to 5 U.S.C. 553 and sections 10(e), 304, and 309 of the Federal Power Act (41 Stat. 1068, 49 Stat. 842, 855, and 858; 16 U.S.C. 803, 825c, and 825h) the Commission gives notice it proposes to amend the regulations under the Federal Power Act to provide that in the event that non-public licensees have not filed the materials required by § 11.20(a)(4) (18 CFR 11.20(a)(4)) as provided therein by February 1, that the Staff shall estimate the gross amount of power generated which estimate will be used regardless of later filing of the report by the licensee.

Prior to the amendment of § 11.20 of the Commission's regulations under the Federal Power Act by Order No. 272 (issued Nov. 20, 1963, 30 FPC 1333), effective January 1, 1964, the charges for administration of the Federal Power Act were assessed on an individual basis for each project. The statements for administrative annual charges were prepared upon the receipt of the notarized energy statement on an individual basis. The fact that a few licensees may have filed the required report after February 1 did not affect the preparation of the bills to the remainder of the licensees. However, with the amendment, the actual administrative charges are assessed against the major nonpublic project licensees in the proportion that the annual charge factor for each project bears to the total of the annual charge factors under all such outstanding licenses. In the event that even one of the several hundred required statements of gross generated power is not filed by the February 1 due date, the Staff must either delay the issuance of the annual bills until such time as the tardy report is filed, or estimate the gross generation figure for use in computation of the annual charges for all licensees. After the staff has estimated gross generation for one or more tardy licensees and all billing has been made, if those licensees then present their statement of gross generated power, their bill must be adjusted downward if the staff estimated generation was higher. In this event,

those monies which are not recovered from the tardy licensee must go unrecovered since those dollars would properly be paid by the other licensees and the administrative cost of the recalculation and rebilling would be in excess of the dollars recovered thereby.

The proposed amendment to § 11.20 of the Commission's rules under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 10(e), 304, and 309 (41 Stat. 1068, 49 Stat. 842, 855, and 858; 16 U.S.C. 803, 825c, and 825h).

It is proposed to revise, effective for the reporting year 1971, paragraph (a)(4) of § 11.20 in Subchapter B—Regulation Under the Federal Power Act, Chapter 1, Title 18 of the Code of Federal Regulations to read as follows:

§ 11.20 Costs of administration.

* * * * *

(a) * * *

(4) To enable the Commission to determine such charges annually, each such licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by nonelectrical equipment) and the amount of power used for pumped storage pumping by the project during the preceding calendar year, expressed in kilowatt hours. If any licensee does not report the gross energy output of its project within the time specified above, the Commission's staff shall estimate the energy output which estimate will be used in lieu of any filings made by such licensee after February 1.

* * * * *

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 27, 1971, data, views, comments, or suggestions in writing concerning the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The Staff, in its discretion, may grant or deny requests for conference. The Commission will consider all such written submittals before acting on the matters herein proposed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17498 Filed 11-30-71;8:50 am]

[18 CFR Parts 101, 104, 105, 141, 154, 201, 204, 205, 260]

[Docket No. R-430]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES, LICENSEES, AND NATURAL GAS COMPANIES AND RELATED REPORT FORMS

Notice of Extension of Time

NOVEMBER 22, 1971.

On November 5, 1971, San Diego Gas & Electric Co. filed a request for an extension of time to and including February 29, 1972, within which to file comments to the notice of proposed rule making issued October 8, 1971 (36 F.R. 20174).

Upon consideration, notice is hereby given that the time is extended to and including February 29, 1972, within which any interested person may submit data, views, comments, or suggestions in writing in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17499 Filed 11-30-71;8:50 am]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 220, 221]

[Regs. G, T, and U]

CREDIT TO CONTRIBUTE CAPITAL TO BROKERS AND DEALERS

Postponement of Proposed Effective Date

1. Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors, on July 9, 1971 (36 F.R. 13218), published revisions to its proposals to amend Parts 207, 220, and 221 (Regs. G, T, and U), to become effective October 1, 1971, but postponed to December 1, 1971 by notice (36 F.R. 19515).

2. In order to permit further consideration of the proposals in the light of proposed rules on the same subject matter by other regulatory bodies, the Board hereby announces that it will postpone the proposed effective date to March 1, 1972.

3. In view of the postponement of the proposed effective date to March 1, 1972, the proposed changes to Regulations G, T, and U will apply to credit extended by banks, broker/dealers, and persons subject to Regulation G after March 1, 1972, and to renewals after such date of credit extended by banks after April 16, 1971, except in the case of credit extended by banks directly to broker/dealers where the restrictions would apply to such credit extended after March 1, 1972, and to renewals after that date of such credit extended after July 9, 1971.

By order of the Board of Governors, November 26, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17509 Filed 11-30-71;8:53 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 9633]

LOUISIANA

Notice of Filing of Plat of Survey

1. The plat of survey of the following described lands, accepted August 9, 1971, will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on December 26, 1971.

LOUISIANA MERIDIAN

T. 5½ N., R. 5 W.,
Sec. 31, lots 1, 2, 3 and 4;
Sec. 32, lots 1, 2, 3 and 4;
Sec. 33, lots 1, 2, 3 and 4;
Sec. 34, lots 1, 2, 3 and 4;
Sec. 35, lots 1, 2, 3 and 4;
Sec. 36, lots 1, 2, 3 and 4.

The areas described aggregate 242.84 acres.

2. This plat represents a dependent resurvey of the north boundary of T. 5 N., R. 5 W., a portion of the east boundary of T. 6 N., R. 6 W., the south boundary of T. 6 N., R. 5 W., and the survey of the east boundary and subdivisional lines of fractional T. 5½ N., R. 5 W., Louisiana Meridian, Louisiana. This survey was executed to provide areas and designations for a hiatus between Tps. 5 and 6 N., R. 5 W.

3. T. 5½ N., R. 5 W., is located in the extreme southeastern portion of Natchitoches Parish, and the area varies from rolling hills to nearly level bottom land. The soil is mostly sandy, clayey loam. Vegetation consists of oak brush, thorn bush, and native grasses, with a moderate growth of pine, oak, hickory, and maple. Several improvements were noted, and it is evident that this area has been logged frequently. The land in this township is considered to be over 50 percent upland within the interpretation of the Swamp Land Acts of 1849 and 1850.

4. Except for valid existing rights, these lands will not be open to any applications for use or disposition under the public land laws, including the mining and mineral leasing laws, until they have been classified and a further order is issued.

5. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

DORIS A. KOIVULA,
Manager.

NOVEMBER 22, 1971.

[FR Doc.71-17443 Filed 11-30-71;8:45 am]

[Montana 20087]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 23, 1971.

The Forest Service, U.S. Department of Agriculture, has filed application M 20087 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for streamside zones for the protection of Rock Creek in the Lolo National Forest, Montana.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN MONTANA

ROCK CREEK STREAMSIDE ZONE

A strip of land of variable width along Rock Creek, as shown on a map titled "Rock Creek Streamside Zone" dated May 1, 1971, and which is on file in the offices of the Forest Supervisor, Lolo National Forest, Missoula, Mont., and the Regional Forester, Northern Region, Missoula, Mont.

Said streamside zones are located in and through the following described areas:

T. 7 N., R. 16 W.,
Secs. 6 and 7.
T. 10 N., R. 16 W.,
Secs. 6, 7, 18, 19, and 30.
T. 7 N., R. 17 W., Unsurveyed, but which probably will be when surveyed:
Secs. 1 and 2.
T. 8 N., R. 17 W., Unsurveyed, but which probably will be when surveyed:
Secs. 6, 7, 16, 17, 18, 20, 21, 22, 27, 28, 34, and 35.
T. 9 N., R. 17 W., Unsurveyed, but which probably will be when surveyed:
Secs. 1, 2, 3, 9, 10, 11, 16, 17, 19, 20, 29, 30, 31, and 32.
T. 10 N., R. 17 W., Unsurveyed, but which probably will be when surveyed:
Secs. 25, 35, and 36.

The areas described aggregate 2,140 acres, more or less, in Granite County, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.71-17442 Filed 11-30-71;8:45 am]

OUTER CONTINENTAL SHELF OFF TEXAS

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3300, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Texas as shown upon official leasing maps, numbered 5, 5B, 6, 6A, 7, 7A, 7B, and 7C, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than January 20, 1972. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, LA 70002, and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153. Envelopes should be marked, "Nominations of Leasing in the Outer Continental Shelf—Texas."

Official leasing maps in a set of 15 maps, and a cover sheet showing leasing blocks off Texas, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910. Whole blocks,

or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offer will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

BURT SILCOCK,
Director,
Bureau of Land Management.

Approved: November 15, 1971.

W. T. PECORA,
Under Secretary
of the Interior.

[FR Doc.71-17504 Filed 11-30-71;8:50 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Quotas for Calendar Year 1972 Among Producers Located in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document relating to watch and watch movements quotas in the areas designated above, see F.R. Doc. 71-17540, under the Office of the Secretary, Department of Commerce, *infra.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

OFFICE OF THE DEPUTY ADMINISTRATOR FOR PLANT PROTECTION AND QUARANTINE ET AL.

Delegation of Authorities

By order (36 F.R. 20707) effective October 31, 1971, the Secretary of Agriculture established the Animal and Plant Health Service in the Department of Agriculture and transferred from the Agricultural Research Service to the Director of Science and Education certain functions and responsibilities of the Agricultural Research Service, including functions prescribed in the provisions in Title 9, Code of Federal Regulations, Chapter I, Subchapters A, B, C, D, E, G, H, I, and J and in Title 7, Code of Federal Regulations, Chapter III, Parts 301, 302, 318, 319, 320, 322, 330, 331, 351, 352, 353, 354, and 370.

By order (36 F.R. 20707) effective October 31, 1971, the Director of Science and Education delegated, on a temporary basis, to the Administrator, Animal and Plant Health Service, the functions and responsibilities vested in said Director by the order of the Secretary.

For the purpose of providing for the orderly exercise of the functions and responsibilities so delegated, including the administration of the provisions in the aforesaid Subchapters and Parts in the Code of Federal Regulations, pending further organizational structuring in the Animal and Plant Health Service, authority is hereby delegated on a temporary basis to all persons in the following organizational components of the Agricultural Research Service which were transferred to the Administrator, Animal and Plant Health Service, to continue to perform the functions heretofore performed by them as members of such components, including functions under the aforesaid Subchapters and Parts:

Office of the Deputy Administrator for Plant Protection and Quarantine.
Office of the Deputy Administrator for Veterinary Services.
Plant Protection Division.
Agricultural Quarantine Inspection Division.
Animal Health Division.
Veterinary Biologics Division.

This delegation shall also apply to the successors in office of such persons. All actions heretofore taken by such persons or their successors in accordance with this delegation are hereby ratified.

This action shall become effective upon issuance.

Done at Washington, D.C., this 24th day of November 1971.

G. H. WISE,
Acting Administrator, Animal
and Plant Health Service.

[FR Doc.71-17472 Filed 11-30-71;8:48 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Quotas for Calendar Year 1972 Among Producers Located in the Virgin Islands, Guam, and American Samoa

Pursuant to the authority granted the Secretaries by Public Law 89-805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands, Guam, and American Samoa for calendar year 1972.

The Departments will issue these proposed rules not less than 30 days subsequent to the filing of this notice with the FEDERAL REGISTER. Interested parties may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted within 15 days from the filing date of this Notice in the FEDERAL REGISTER, and addressed to the:

Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Special Import Programs Division.

Such communications shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the brief.

(b) The name, address, telephone number and official position of the person submitting the brief on behalf of the party referred to in subparagraph (a).

SECTION 1. (Virgin Islands and Guam) Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1971, will receive an initial quota allocation for calendar year 1972 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1971, or 5,000 units, whichever is greater.

SEC. 2. (Virgin Islands and Guam) Each firm to which an initial quota has been allocated pursuant to section 1 hereof must, on or before April 1, 1972, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1972, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1972, by any firm under the quota allocated to it for calendar year 1972 will be less than 90 percent of the number of units allocated to it. Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms: *Provided, however,* That if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15, and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, respectively, via registered mail on Form OIPF-344, copies of which will be forwarded to each firm at its territorial address of record at least 15 days prior

to the required reporting date. Copies of this form may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230. Form OIPF–844 will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1972. Each firm to which a quota is granted will also report on Form OIPF–844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form OIPF–764 (see section 8, below).

SEC. 3. (Virgin Islands only) The annual quotas for calendar year 1972 for the Virgin Islands will be allocated as soon as practicable after April 1, 1972, on the basis of (1) the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1971, (2) the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1971 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total combined net dollar amount of income taxes, gross receipts taxes, trade and excise taxes and customs duties (on imports into the territory of watch parts and watch components, attributable to its Headnote 3(a) watch assembly operation) applicable to its calendar year 1971 Headnote 3(a) watch assembly operation, irrespective of whether such taxes are partially or fully exempt by the territorial government. In making allocations under this formula, an equal weight of 40 percent will be assigned to production and shipment history and to wages subject to FICA taxes, and a weight of 20 percent will be assigned to the combined net dollar amount of the four above stated taxes applicable to calendar year 1971 Headnote 3(a) watch assembly operations.

SEC. 4. (Guam only) The annual quotas for calendar year 1972 for Guam will be allocated as soon as practicable after April 1, 1972 on the basis of the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1971, and the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1971 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 5. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1972 under sections 3 and 4 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1971 for duty-free entry into the customs territory of the United States against a firm's 1971 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

SEC. 6. (Virgin Islands and Guam) Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1972. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1972, in Guam and beginning on or about March 1, 1972, in the Virgin Islands, and will contact each firm locally regarding the verification of its data.

SEC. 7. (American Samoa only) By notice published in the FEDERAL REGISTER on March 20, 1971 (36 F.R. 5372), the Departments of Commerce and the Interior allocated the American Samoa duty-free watch quota for calendar year 1971 to the Bulova Watch Co., Inc. In this notice the Departments stated that "Because of the time and investment costs required to establish a watch movement assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, the Departments do not intend to invite applications from new entrants for the allocable calendar year 1972 American Samoa watch quota unless (1) the recipient of the 1971 calendar year quota fails to abide substantially with the terms and conditions in its application upon which the Departments relied in making the quota allocation for calendar year 1971, or (2) the amount of the duty-free watch quota available to American Samoa for calendar year 1972 is sufficiently greater than that available for calendar year 1971 as to sustain more than one economically viable watch assembly operation in American Samoa."

As the recipient of the 1971 Samoan watch quota has abided substantially with the terms and conditions of its application, the Departments will not invite applications from new entrants for the allocable calendar year 1972 American Samoa watch quota unless the amount of such quota is sufficiently greater than the available 1971 calendar year quota as to sustain more than one economically viable watch assembly operation in American Samoa. Such information will become available to the Department on or about April 1, 1972, at which time, in the unlikely event that the quota for calendar year 1972 averes to be substantially greater than for calendar year 1971, the Departments would consider the possibility of inviting applications from new entrants. A decision to issue such an invitation would be published in the FEDERAL REGISTER before June 1, 1972.

SEC. 8. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1972 except that detailed reporting of ownership and control will be reported on an annual basis on Form OIPF–764 at the time the firm applies for an annual duty-free watch quota for calendar year 1972. Subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1972, on Form OIPF–844 required in section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

Dated: November 26, 1971.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

[FR Doc.71–17540 Filed 11–30–71;8:54 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–43]

NAVAL POSTGRADUATE SCHOOL

Order Authorizing Dismantling of Facility

By application dated March 16, 1971, and supplement thereto dated August 25, 1971, the U.S. Naval Postgraduate School (USNPS) requested authorization to dismantle and dispose of the AGN–201 (Serial No. 100) nuclear research reactor located on its campus in Monterey, Calif., and formerly operated under Facility License No. R–11. The reactor has been shut down and it has been deactivated by removing all of the fuel from the core.

Under the terms of an appropriate construction permit (which is the subject of a separate action in Docket No.

50-394), California State Polytechnic College (CSPC) will receive the reactor component parts and related fuel of the disassembled reactor and transport them to its campus in San Luis Obispo, Calif., where the reactor will be reconstructed for educational training purposes.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling of the reactor and the disposal of its components, including the fuel, will be accomplished in accordance with the regulations in 10 CFR Ch. I, and will not be inimical to the common defense and security or to the health and safety of the public. Accordingly, it is hereby ordered that USNPS may proceed with the dismantling of the deactivated nuclear research reactor covered by Facility License No. R-11, as amended, in accordance with its application of March 16, 1971, and supplement thereto dated August 25, 1971, and the Commission's regulations.

After the completion of the dismantling and decontamination of the facility site in Monterey, Calif., transfer of the reactor component parts and fuel to CSPC, the submission of a report by USNPS describing the condition of the remaining structure, and the filing of a report by Commission inspectors verifying that the dismantling, decontamination and disposal have been satisfactorily completed, consideration will be given to whether a further order should be issued terminating Facility License No. R-11.

Date of issuance: November 17, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-17510 Filed 11-30-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-274; NADA No. 0-887V]

BIGELOW-CLARK, INC.

Fitzsimmons Leg Paint; Amendment to Notice of Opportunity for Hearing

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

The Bigelow-Clark, Inc., 360 Meacham Avenue, Elmont, N.Y. 11003, the holder of NADA No. 0-887V for the product Fitzsimmons Leg Paint (a product which contains thymol, menthol, camphor, methyl salicylate, salicylic acid, oil of pine yarmor, isopropyl alcohol, tincture capsicum, iodine, ether, glycerine, and distilled water) requested that data available to the Food and Drug Administration submitted in response to the FEDERAL REGISTER announcement of July 9, 1966 (31 F.R. 9426) be evaluated prior to the withdrawal of their product. After having evaluated these data, the Commissioner of Food and Drugs concludes that this product is probably effective as a rubefacient-counterirritant with mild blistering properties when used to treat horses exhibiting lameness due to inflammation of the superficial tissues of the leg.

It is further concluded that this product could be evaluated effective if properly labeled. As well as meeting all of the requirements of the act and regulations, the label should be changed as follows:

1. The product should be labeled as a rubefacient and counter-irritant with mild blistering properties.

2. The label should bear a warning statement "WARNING—Do not apply to irritated skin. If excessive irritation develops discontinue treatment. Avoid getting into eyes or on mucous membranes."

3. The statement "For external use only" must appear on the label.

The holder of said NADA is provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate final printed labeling and documentation which will support a regulation (21 CFR Part 135).

Notice is given to all interested persons that similar articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit adequate information as necessary to make the application current with regard to manufacturer of the drug including information on the drug's components and composition, and also including information regarding manufacturing methods, facilities and controls in accordance with the requirements of section 512 of the act.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 17, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-17533 Filed 11-30-71;8:54 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24012; Order 71-11-88]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1971.

By tariff revisions[1] marked to become effective November 27, 1971, American Airlines, Inc. (American), proposes to provide night economy service in the forward first-class compartment on flights designated as "Night Economy" between New York/Newark and San Juan and operating between the hours of 10:30 p.m. and 7:30 a.m. southbound and 8 p.m. and 7:30 a.m. northbound. American presently provides mixed deluxe night economy/night economy service on flights operating during these hours. In justification of its proposal, American alleges only that it is meeting a competitive tariff of Pan American World Airways, Inc. (Pan American).

Eastern Air Lines, Inc. (Eastern), has filed a complaint against American's proposal requesting that it be suspended and investigated. Eastern alleges that there is no rational basis from a cost standpoint for selling forward first-class seats at the lower night economy-fare level, and that the proposal will dilute potential deluxe night economy revenue. Eastern further alleges that American's tariff is not based on the economics of service but amounts to short-term competitive maneuvering, and that it goes beyond meeting recent seating revisions of Pan American.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposal should be suspended pending investigation.

Pan American's present tariff which American allegedly is meeting in effect permits thrift passengers on B-747 aircraft operating during certain night hours to utilize the forward compartment as a lounge, however, the tariff specifically provides that the forward compartment seats are not to be sold. American's proposal on the other hand provides that seats in the forward compartment will be sold at the night economy-class fare, which raises a serious question of preference and prejudice, i.e., the selling of two distinct classes of service at the same fare level. Also, Pan American has recently proposed to cancel the provision which permits thrift-class passengers to sit in the forward compartment, and whatever competitive necessity there might have been for American's proposal no longer exists.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether "Note C" and reference thereto on 38th Revised Page 7 of Airline Tariff Publishers, Inc., Agent's CAB No. 65, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful,

[1] Revisions to Airline Tariff Publishers, Inc., Agent, CAB No. 65.

and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, "Note C" and reference thereto on 38th Revised Page 7 of Airline Tariff Publishers, Inc., Agent's CAB No. 65, are suspended and their use deferred to and including February 24, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Eastern Air Lines, Inc., in Docket 23937 is hereby dismissed;

4. The proceding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order will be filed with the aforesaid tariffs and be served upon American Airlines, Inc., and Eastern Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-17550 Filed 11-30-71;8:55 am]

ALL U.S. AIR CARRIERS AND FOREIGN AIR CARRIERS

Order Regarding Stabilization of Fares, Rates and Charges for Passengers and Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1971.

By Order 71-8-78 dated August 17, 1971, the Board issued its order stabilizing fares, rates, and charges for passengers and property so as to assure implementation of Executive Order 11615 with respect to air transportation. Three amendments were issued to this order to reflect subsequent stabilization regulations and rulings,[1] as well as Executive Order 11627, which superseded Executive Order 11615. It was the Board's intention in promulgating its stabilization order, that tariffs proposing increases above the base price be withdrawn or they would be rejected.

The regulations of the Price Commission now provide that regulated utilities may charge a price in excess of the base price if it is approved by the regulatory agency. (See § 300.016 of Title 6, Chapter III Code of Federal Regulations, as amended, pg. 22013 FEDERAL REGISTER dated November 18, 1971.)

In view of this regulation the Board will revoke its stabilization order, as amended, and thus no longer proscribe tariff filings above the base price without authorization. While tariffs previously filed proposing increases above the base price generally have been removed under the Board's stabilization orders,[2] future tariff filings will be considered by the Board under the criteria of the Federal Aviation Act of 1958, and in the light of the purposes and guidelines of the stabilization program. The carriers will be responsible to see that their tariff proposals are in conformance with the stabilization program and that the Price Commission is notified of increased rate proposals, and of Board actions on such proposals in accordance with the Price Commission regulations.[3] Further, our order herein will set forth requirements with respect to stabilization matters to be included in tariff transmittals accompanying tariff filings so as to apprise the Board of proposed increases whether direct or indirect; and, if so, the basis upon which it is contended the increases are consistent with the guideline and whether notification of the filing has been given to the Price Commission.

Accordingly, it is ordered, That:

1. Order 71-8-78, as amended by Order 71-9-51, Order 71-10-121, and Order 71-11-36 is hereby revoked;

2. All transmittals of tariff filings and of IATA rate resolutions shall clearly state whether or not an increase is proposed by such filing and, if so, upon what basis it is contended that the increase is within the stabilization guidelines or otherwise consistent with the purpose of the stabilization act of 1970. In addition, where increases are proposed a statement shall be made as to whether the Price Commission has been informed of the proposed rate increase; and

3. This order shall be served upon all air carriers and foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-17551 Filed 11-30-71;8:55 am]

[1] Order 71-9-51 of Sept. 13, 1971, Order 71-10-121 of Oct. 27, 1971, and Order 71-11-36 of Nov. 10, 1971.

[2] Except for tariff proposals filed by REA Express, Inc. (for which special tariff permission applications were filed to permit them to become effective on short notice), which are being permitted to become effective by a separate order issued concurrently herewith, all tariff filings for rate increases made on or prior to the date of this order which have not been withdrawn, including those whose effective dates had been postponed, are being rejected pursuant to such orders. In addition, tariffs filed after the date of this order which do not contain the material required by ordering paragraph 2 herein, will also be subject to rejection.

[3] Section 300.016 requires that firms with gross receipts of $100 million, or more shall notify the Price Commission of requests for rate increases and of authorization for increases, and that firms with gross receipts between $50 million and $100 million shall notify the Price Commission of any authorized increase.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Assistant Secretary, Office of the Assistant Secretary for Community Development, Community Development, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-17446 Filed 11-30-71;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. sec. 4332(2)(C)) requires that, prior to recommending or reporting on legislation or to taking other major action significantly affecting the environment, the responsible Federal official shall prepare an environmental impact (102) statement. This statement must detail the environmental impact of the proposed action, any adverse effects and alternatives.

Federal agencies with relevant environmental expertise are to be consulted, and the views of State and local agencies authorized to develop and enforce environmental standards are to be invited. The 102 statements and the comments and views of relevant Federal, State, and local agencies are to be made available to the public.

In order to facilitate public comment on and participation in this process, the Council on Environmental Quality issues monthly a listing of statements received in its "102 Monitor." In addition, a more frequent listing will appear in the FEDERAL REGISTER. The November 20, 1971, FEDERAL REGISTER lists the statements received by the Council November 1-12 and indicates where the statements may be obtained.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY NOVEMBER 15-NOVEMBER 19, 1971

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

SOIL CONSERVATION SERVICE

Draft, November 8

Truth or Consequences—Williamsburg Arroyos Watershed, N. Mex. Conservation land treatment supplemented by four flood-water-retarding structures, about 1 mile of channel and pipeline and about 0.6 mile of floodway. Will eliminate agricultural use and wildlife habitat on 34 acres of rangeland and periodically interrupt such use of 152 acres. (ELR Order No. 1180, 8 pages) (NTIS Order No. PB–204 090–D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, (202) 967–4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft, November 15

Great Lakes Snow Redistribution Research Project. An exploratory investigation into the nature and characteristics of Great Lakes snowstorms, caused by movement of cold air masses over relatively warm water, to assess the possibility of moderating excessive snowfall along the leeward side of the lakes by overseeding the related cloud systems. (ELR Order No. 1216, 18 pages) (NTIS Order No. PB–204 158–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX4–4269.

Draft, November 15

Safeguard Ballistic Missile Defense System sites within Minuteman field near Whiteman Air Force Base, Mo., and within Minuteman field near Warren Air Force Base, Wyo., or near the National Command Authority, Washington, D.C. System consists of Missile Site Radar (MSR) and Perimeter Acquisition Radar (PAR), two types of interceptor missiles (Spartan and Sprint) and a high-speed data processing and communications system (ELR Order No. 1203, 14 pages) (NTIS Order No. PB–204 162–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693–6329.

Draft, November 5

Valcour Harbor, Lake Champlain, N.Y. Construction of a 700-foot-long rubble-mound offshore breakwater to protect a 15.1-acre basin for recreational craft on the lake about 5 miles south of Plattsburgh. (ELR Order No. 1202, 16 pages) (NTIS Order No. PB–204 164–D)

Ventura Marina, Ventura County, Calif. Construction of offshore breakwater 1,500 feet long, dredging of 800,000 cubic yards and construction of recreational facilities, parking areas etc. for year-round boating activity. (ELR Order No. 1221, 16 pages) (NTIS Order No. PB–204 166–D)

Draft, November 15

Oswego Steam Station—Unit 5, Niagara Mohawk Power Corp., New York. Construction of a fifth oil-fueled electric generating unit with a maximum output of 890 mw. Shoreline will be protected by a seawall. (ELR Order No. 1223, 192 pages) (NTIS Order No. PB–204 155–D)

Final, November 9

Longview Lake, Little Blue River, Mo. Construction of dam and lake, inundating 930 acres of land to control runoff from a 50.3-square-mile drainage area, for recreation etc. Comments made by USDA, EPA, DOI and five State agencies. (ELR Order No. 1187, 37 pages) (NTIS Order No. PB–200 795–F)

Final, November 12

Price Branch of Little LaGrue Bayou, De Witt, Ark. Cleaning out 17,500 feet of channel, straightening, spreading, and seeding of soil along reaches within De Witt etc. Purpose: Flood protection by providing continuous drainage. Comments made by USDA, DOI, EPA, three State agencies and mayor of De Witt. (ELR Order No. 1196, 26 pages) (NTIS Order No. PB–202 898–F)

Flood protection project, Waterloo, Iowa. Construction of 15 miles of earthen levees and 2 miles of concrete floodwalls, a small dam and detention reservoir, deepening and widening Cedar River channel etc. Purpose: Protection from flooding of Cedar River, Black Hawk Creek, and Verden Creek. Comments made by EPA, HUD, DOI, Iowa Office for Planning and Programing and mayor of Waterloo. (ELR Order No. 1197, 21 pages) (NTIS Order No. PB–201 850–F)

Kawaihae Harbor, Hawaii. Construction of a harbor to accommodate 300 light-draft vessels includes an access channel anchorage basin and a protective breakwater. Involves deepening 19.8 acres of submerged reef and converting 12.2 acres of shallow reef to protective structures. Comments made by EPA, DOI, DOT, Hawaii Department of Planning and Economic Development, University of Hawaii, and mayor of county of Hawaii. (ELR Order No. 1194, 44 pages) (NTIS Order No. PB–202 288–F)

Final, November 9

Brownsville small boat basin, Washington (on Puget Sound). Construction of a 1,530-foot breakwater, entrance channel, access channel and turning basin. Purpose: To provide a protected moorage for 334 recreational boats. Comments made by DOC, EPA, HEW, DOI, five State agencies, Kitsap County Commissioners, Bremerton-Kitsap Health Department, Port of Brownsville and Puget Sound Governmental Council. (ELR Order No. 1201, 68 pages) (NTIS Order No. PB–199 882–F)

Final, November 12

Stonewall Jackson Lake, West Fork River, W. Va. Construction of concrete dam and lake for flood control, recreation, etc. Will inundate about 2,650 acres of wildlife habitat and result in loss of about 35 miles of free-flowing stream. Comments made by USDA, DOI, EPA, West Virginia Department of Natural Resources and Appalachian Regional Commission. (ELR Order No. 1207, 45 pages) (NTIS Order No. PB–202 980–F)

Final, November 9

Lower Granite Lock and Dam, Snake River, Wash. and Idaho. Construction of a dam, powerhouse, and navigation lock to complete the Lower Snake River navigation system to Lewiston. About 44 miles of open river will be converted to a lake, and approximately 3,260 acres of land used for grazing and agriculture will be inundated. Also involves loss of residences and other buildings and of steelhead spawning areas. Comments made by DOC, EPA, FPC, DOI, four Washington agencies, three Idaho agencies, one Oregon agency, city of Lewiston, city of Clarkston and Association of Northwest Steelheaders. (ELR Order No. 1208, 163 pages) (NTIS Order No. PB–204 169–F)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, (202) 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–AD, (202) 343–4161.

Draft, November 11

Disposal of Birdsboro Army Tank—Automotive Steel Foundry, Berks County, Pa., by negotiated sale to the Greater Berks Development Fund. (ELR Order No. 1190, 6 pages) (NTIS Order No. PB–204 098–D)

Final, November 10

Disposal of 7.9 acres of land formerly owned by the Tennessee Central Railway Co., Nashville, Tenn., by negotiated sale to metropolitan government of Nashville and Davidson County, acting through the Nashville Thermal Transfer Corp. To be used for construction of a central heating and chilling plant that will burn solid waste primarily to produce heat. Comments made by Army COE, HEW, DOI, a Member of Congress and the metropolitan government of Nashville and Davidson County. (ELR Order No. 1186, 17 pages) (NTIS Order No. PB–202 797–F)

Disposal of the Bakalar Air Force Base and Radio Annex, Columbus, Ind., by conveyance of 1,991 acres of land and the buildings to the city of Columbus for a public airport and by negotiated sale of electrical distribution system to the Bartholomew County Rural Electric Membership Corp. Comments made by EPA, DOT and Bartholomew County. (ELR Order No. 1199, 13 pages) (NTIS Order No. PB–202 792–F)

INTERNATIONAL BOUNDARY AND WATER COMMISSION—UNITED STATES AND MEXICO

Contact: T. R. Martin, ARA/Mexico, Department of State, Room 3906–A, Washington, D.C. 20520, (202) 632–1317.

Final, November 5

Modified Hackney Floodway and closure of Mission Floodway, Lower Rio Grande Flood Control Project, Hidalgo County, Tex. U.S. extension and enlargement of Hackney Floodway from Anzalduas Dam on Rio Grande to main floodway and closure of Mission Floodway to reduce flood damage. Comments made by Army COE, USDA, HEW, DOI, five Texas agencies and lower Rio Grande Development Council. (ELR Order No. 1206, 27 pages) (NTIS Order No. PB–201 090–F)

U.S. Portion of Retamal International Diversion Dam and U.S. Dike, Lower Rio Grande Flood Control Project, Hidalgo County, Tex. Joint construction of international floodwater diversion dam and U.S. construction of 3-mile dike from dam to river levee system. Comments made by Army COE, USDA, HEW, DOI, three Texas agencies and Lower Rio Grande Development Council. (ELR Order No. 1226, 29 pages) (NTIS Order No. PB–200 777–F)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, D.C. 20590, (202) 462-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, November 10

Ector County Airport, Odessa, Tex. Reconstruction or extension of three runways and one taxiway, modification of MIRL system and installation of VASI at each end of runway. (ELR Order No. 1181, 12 pages) (NTIS Order No. PB-204 092-D)

Final, October 15

Airport project, Klawock, Alaska. Development of a new airport, including landing strip, parking apron, taxiway, access road and segmented circle. Comments made by Army COE, USDA, DOC, EPA, HEW, DOI and Alaska Native Health Service. (ELR Order No. 1212, 29 pages) (NTIS Order No. PB-200 363-F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, November 9

SR-45: Columbiana County, Ohio. Construction of Lisbon bypass by overlapping SR-11 to West Point and ultimately for U.S. 30. Will require taking of seven residences, one church and one farm dwelling. Ohio highway project COL-45-15.90. (ELR Order No. 1182, 7 pages) (NTIS Order No. PB-204 095-D)

Draft, November 8

SR-9 and SR-37: Huntington County, Ind. Construction of 3.2-mile additional lanes from the north end of Mount Etna bypass to south end of Huntington bypass. Will require removal of four homes, 3 barns, sheds, and skating rink. Project F-101(12). (ELR Order No. 1183, 12 pages) (NTIS Order No. PB-204 093-D)

Draft, November 10

Milwaukee to Green Bay Interstate Highway (Saukville to Belleview section): Ozaukee, Sheboygan, Manitowac, and Brown Counties, Wis. Construction of 82-mile freeway, 31 miles of which are now under construction as U.S. 141. Will require relocation of homes, businesses and farm operations. Project I 57-1(1)0; I.D. 1220-0-00 (ELR Order No. 1184, 46 pages) (NTIS Order No. PB-204 091-D)

Draft, November 9

SR-3: Tipton and Lauderdale Counties, Tenn. Improvement of 6.7-mile section from junction with Main Street in Covington to a point 1.6 miles north of Tipton-Lauderdale County line. Will require displacement of 18 residences and one business. State project 84002-1229-04 (ELR Order No. 1185, 15 pages) (NTIS Order No. PB-204 094-D)

Draft, November 12

U.S. 73 and 75: Omaha, Douglas County, Nebr. Extension of Kennedy Freeway 0.8 mile from 27th and L Streets to Railroad Avenue and W Street. Will require taking of 42 single-family dwellings, 19 trailer homes, seven multiple-dwelling units, two churches, and 29 businesses. Project QU-515(8) (ELR Order No. 1188, 10 pages) (NTIS Order No. PB-204 100-D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Draft, November 11

I-66: Fairfax and Arlington Counties, Va. Extension of facility for 9.66 miles from Francis Scott Key Memorial Bridge to I-495 (Beltway). Will involve loss of a part of Spout Run, acquisition of 9.6 acres of right of way from Bon Air Park and Westover Playground and displacement of 625 families and 51 businesses (473 families and 39 businesses have been relocated over the past 8 years). State project 0066-029-103, C-502, C-503, C-504; 0066-000-101, C-501, C-502; 0066-000-102, C-501, C-502, C-506, C-507. (ELR Order No. 1189, 85 pages) (NTIS Order No. PB-204 101-D)

Draft, November 10

U.S. 250: Ashland County, Ohio. Widening and reconstruction of 1.2-mile roadway with new bridge over Jamison Creek. Will involve taking of seven residences. Project ASD-250-15.82 (ELR Order No. 1191, 7 pages) (NTIS Order No. PB-204 099-D)

Draft, November 8

SR-129: Hamilton and Fairfield, Butler County, Ohio. Relocation of 10-mile divided highway from I-75 to Hamilton. Will involve relocation of 19 families and three businesses. Project BUT-129-15.32 (ELR Order No. 1192, 28 pages) (NTIS Order No. PB-204 103-D)

Draft, November 10

Route 755: St. Louis, Mo. Construction of 1.5-mile, six-lane facility from Cole Street to I-55. Will displace 371 families, 90 businesses, and seven nonprofit organizations. Project U-U6-755-1(4); Job 6-U-755-23 (ELR Order No. 1193, 26 pages) (NTIS Order No. PB-204 104-D)

Draft, November 11

SR-50: Lake County, Fla. Upgrading of 4.7-mile, two-lane facility to a multilane highway from SR-33 in Groveland east to SR-561 in Clermont. Involves displacement of 67 persons, 18 residences, 10 businesses and one industrial building. State job 11070-1504; Federal job F-022-2(17). (ELR Order No. 1194, 40 pages) (NTIS Order No. PB-204 097-D)

Draft, November 12

SR-415: Seminole and Volusia Counties, Fla. Construction of two-lane highway and bridge across St. Johns River beginning at SR-46 in Seminole County for 1.61 miles to a point on SR-415 in Volusia County. State job 77161-1501, 79120-1501; Federal project S-716(1). (ELR Order No. 1195, 84 pages) (NTIS Order No. PB-204 096-D)

Draft, November 11

U.S. 35: Gallia County, Ohio. Construction of 12.7 miles of four-lane limited access highway from its junction with SR-160 to Centerville. Will require taking of three residences and two churches. (ELR Order No. 1200, 10 pages) (NTIS Order No. PB-204 102-D)

Draft, November 8

SR-56: Athens County, Ohio. Construction of 2.6-miles, two-lane highway from 0.2 mile east of intersection of SR-56 with County Road 6 to 0.06 miles east of the intersection with County Road 9. Involves displacement of residences. (ELR Order No. 1213, 8 pages) (NTIS Order No. PB-204 160-D)

Draft, November 15

SR-4: Clark, Champaign, and Union Counties, Ohio. Relocation of SR-4 from a point 1 mile southwest of the Clark-Champaign County line near its intersection with Baldwin Lane to the beginning of the Marysville bypass. Will require relocation of 19 families. (ELR Order No. 1214, 21 pages) (NTIS Order No. PB-204 159-D)

Draft, November 16

North Carolina 68: High Point, Guilford County, N.C. Widening of Westchester Drive from North Main Street (U.S. 311) to Elgin Avenue. Will necessitate relocation of 11 families and three businesses. State project 9.8071026. (ELR Order No. 1215, 14 pages) (NTIS Order No. PB-204 168-D)

SR-34: Bryan, Williams County, Ohio. Relocating and widening of 1 mile of roadway and construction of a new elevated structure over the Penn-Central R R. Will displace three residences. (ELR Order No. 1217, 11 pages) (NTIS Order No. PB-204 157-D)

Draft, November 10

U.S.-82: Eddy County, N. Mex. Upgrading to two-lane divided highway for 25 miles from U.S. 285 in Artesia east to west limits of Loco Hills. State project S-1216. (ELR Order No. 1218, 8 pages) (NTIS Order No. PB-204 156-D)

Draft, November 16

Supplement on 4(f) involvement—SR-115: Duval County, Fla. Improvement to four-lane highway between Trout River and I-295. (See 102 Monitor, May, p. 62.) State project 72150-3509, 72150-3504; Federal project U.S.-S-545(2). (ELR Order No. 1219, 90 pages) (NTIS Order No. PB-204 243-D)

Draft, November 3

SR-90: King County, Wash. Construction of 4.1-mile, six-lane highway from the lower crossing of the Snoqualmie National Forest boundary on a new alignment (ELR Order No. 1220, 49 pages) (NTIS Order PB-204 167-D)

Draft, November 8

U.S. 190 (Chinchuba-Covington Highway): St. Tammany Parish, La. Construction of 2.4-mile, four-lane divided highway and interchanges beginning at a point south of LA-22 north to I-22. Will displace 13 homes, seven businesses and six office buildings. State project 13-11-09. (ELR Order No. 1222, 10 pages) (NTIS Order No. PB-204 165-D)

Final, November 15

SR-5 (Great Western Gateway Bridge): Schenectady County, N.Y. Replacement of bridge over the Mohawk River and Barge Canal between Scotia and Schenectady and reconstruction of approaches. 4(f) determination regards land from Collins Park and the Sanders' Mansion. Project PIN 1383.00. Comments made by USDA. (ELR Order No. 1209, 19 pages) (NTIS Order No. PB-199 642-F)

I-94 Business Loop: Replacement of bridge over the St. Joseph River between Benton Harbor and St. Joseph, Berrien County, Mich., to accommodate auto traffic and to increase underclearance to accommodate river traffic. 4(f) determination regards acquisition of 0.4 acre of river-

front park owned by Benton Harbor. Project U-444(5) Item 812. Comments made by Army COE, USDA, DOC, DOI, EPA, HUD, and DOT. (ELR Order No. 1210, 59 pages) (NTIS Order No. PB-199 601-F)

North 72d Street: Omaha, Nebr. Upgrading of 1.4 miles between Ames Avenue and Redick Avenue. 4(f) determination regards route through the Benson Golf Course. Project SU-147(13). Comments made by USDA, Army COE, EPA, DOI and Nebraska Department of Health. (ELR Order No. 1211, 36 pages) (NTIS Order No. PB-199 635-F)

U.S. COAST GUARD

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 Seventh Street SW., Washington, DC 20591, (202) 426-2274.

Draft, November 11

U.S. Coast Guard Reserve Training Center, Yorktown, Va. Relocation of access road to Coast Guard facility and development of family housing for the facility. Land involved is a portion of the National Colonial Historic Park at Yorktown. (ELR Order No. 1204, 8 pages) (NTIS Order No. PB-204 163-D)

Construction of Loran-C Transmitting Station, Caribou-Presque Isle area of Maine. Project 01-83-71. (ELR Order No. 1205, 3 pages) (NTIS Order No. PB-204 161-D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.71-17424 Filed 11-30-71;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-77; Special Permission No. 5404]

DILLINGHAM LINES, INC.

Increases in Rates on All Commodities in the U.S. Pacific Coast/Hawaii Trade; Third Supplemental Order

By the original order in this proceeding served August 19, 1971, the Commission placed under investigation certain rate increases of the subject carrier in Tariff FMC-F No. 3, and suspended to and including December 22, 1971. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 2, filed by Dillingham Lines, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of a Revised Page 37, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71-77 to make the changes in rates and provisions as set forth in Special Permission Application No. 2, said changes to become effective on full statutory notice, be and it is hereby granted. The short notice authority and publication of load and stow provisions for account of shipper as requested by Special Permission Application No. 2, is hereby denied.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to depart from the terms of the Order in I & S Docket No. 71-77 granted under Federal Maritime Commission Special Permission No. 5404."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned initial rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17481 Filed 11-30-71;8:53 am]

REX AIR FREIGHT, INC., ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Rex Air Freight Inc., Building 2142, Miad, Post Office Box 185, Miami, FL 33148.
Officers:
Rene Gonzalez, President.
Rafael Fernandez, Vice President.
Alicia I. Cuza, Secretary-Treasurer.

Street Brothers, Inc., 194 East Bay Street, Charleston, SC 29402.
Officers:
Timothy S. Street, President.
Claude M. Gunnels, Vice President.
Norris W. Dangerfield, Secretary-Treasurer.

E. Dillingham, Inc., Post Office Box 116, Ogdensburg, NY 13669.
Officers and Directors:
C. E. Dillingham, Chairman.
George E. Dillingham, President.
James A. Williams, Vice President.
Constance D. Cissel, Secretary.
James G. Knight, Treasurer.
Claire Y. Burns, Ass't Treasurer.
Gerald M. Gray, Ass't Treasurer.

K & M Custom Brokers Inc., 27 Park Place, New York, NY.
Officers:
Joseph J. Mauri, President and Treasurer.
John J. Klingman, Vice President and Secretary.

Dated: November 24, 1971.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17541 Filed 11-30-71;8:54 am]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, Ltd., International Building, 601 California Street, San Francisco, CA 94108.

Agreement No. 9971 is a transshipment agreement between American Mail Line, Ltd. (AML) and American President Lines, Ltd. (APL) covering the movement of cargo under through bills of lading between ports of call of AML in Washington, Oregon, and British Columbia and ports of call of APL in the Philippines with transshipment at a port in Japan.

Dated: November 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17542 Filed 11-30-71;8:54 am]

BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES AND CONSOLIDATED MARINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Bernard J. Caughlin, General Manager, Port of Los Angeles, 707 Pacific Trade Center, 255 West Fifth Street, Post Office Box 151, San Pedro, CA 90733.

Agreement No. 8325-3 modifies the basic agreement between the Board of Harbor Commissioners of the City of Los Angeles (Port) and American President Lines, Ltd. (APL), as subassigned to Consolidated Marine, Inc. (CMI), which provides for a preferential assignment of certain terminal property constructed within the Port. The purpose of the amendment is to reconstitute the original agreement, expand the facilities and area to be used by CMI, and to unify the heretofore separate amendments to the original agreement. Compensation for the additional area is also adjusted by establishing a minimum annual obligation.

Dated: November 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17543 Filed 11-30-71;8:54 am]

SEATRAIN LINES, INC., AND CARIB STAR LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814):

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, NJ 07087.

Agreement No. DC-49-1, between Seatrain Lines, Inc. (Seatrain) and Carib Star Lines, Inc. (Carib), modifies the basic agreement which provides for the transportation of cargo under through bills of lading between U.S. Atlantic ports and ports in the Virgin Islands, with transshipment at San Juan, P.R. The purpose of the modification is to provide that any charges assessed by Seatrain for transfer of cargo between its San Juan Terminal to terminals of Virgin Island carriers shall accrue to Carib.

Dated: November 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-17544 Filed 11-30-71;8:54 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY DISTRIBUTION — TECHNICAL ADVISORY COMMITTEE

Order Designating Member

NOVEMBER 22, 1971.

The Federal Power Commission by Order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. Membership. Mr. Ward McCallister has resigned his membership in the Distribution—Technical Advisory Committee. A new member to the Distribution—Technical Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

George L. Morrow, President, The Peoples Gas Light and Coke Co.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17486 Filed 11-30-71;8:48 am]

[Docket No. CS71-250]

ADOBE CORP.

Findings and Order After Statutory Hearing

NOVEMBER 18, 1971.

On March 26, 1971, Adobe Corp. (Applicant) filed in Docket No. CS71-250 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the application.

Applicant does not have any certificate of public convenience and necessity or FPC gas rate schedules on file with the Commission. Applicant proposes to continue certain sales of natural gas heretofore authorized to be made pursuant to certain small producer certificates of public convenience and necessity. These sales of natural gas were made at rates in effect subject to refund. Therefore, Applicant will be substituted as respondent in the rate proceedings indicated below and the proceedings will be redesignated accordingly. Among the sales to be continued by Applicant are those previously authorized in Dockets Nos. CS69-73 and CS69-74 to be made by Adobe Ltd. No. 1, and Adobe Ltd. No. 2, respectively. As part of the stock exchange offer by which Applicant succeeded to these sales, the partnerships designated Adobe Ltd. Nos. 1 and 2 have ceased to exist. Therefore, the small producer certificates of public convenience and necessity heretofore issued to Adobe Ltd. No. 1 in Docket No. CS69-73 and to Adobe Ltd. No. 2 in Docket No. CS69-74 will be terminated.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the application was filed.

The Commission's staff has reviewed the application and recommends the actions ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on November 12, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of

the Commission and will be therefore, a "natural-gas company" when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the application herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicant are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a small producer certificate of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the small producer certificates of public convenience and necessity heretofore issued to Adobe Ltd. No. 1 in Docket No. CS69-73 and to Adobe Ltd. No. 2 in Docket No. CS69-74 should be terminated.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted as respondent in the pending rate proceedings as indicated in the appendix hereto and said proceedings should be redesignated accordingly.

The Commission orders:

(A) A small producer certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificate shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicant shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificate granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicant no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination, Applicant will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificate will still be effective as to sales already included thereunder.

(D) The grant of the certificate in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificate aforesaid for service to the particular customers involved, shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificate aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The small producer certificates of public convenience and necessity heretofore issued to Adobe Ltd. No. 1 in Docket No. CS69-73 and to Adobe Ltd. No. 2 in Docket No. CS69-74 are terminated.

(F) Applicant is substituted as respondent in the pending rate proceedings indicated below and said proceedings are redesignated accordingly.

(G) This order does not relieve Applicant of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615, or subsequent executive order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Small producer certificate holder	Certificate docket No.	Rate increase docket No.[1]
Adobe, Ltd., No. 1	CS69-73	RI70-1273
Adobe, Ltd., No. 2	CS69-74	RI70-1274
Charles O. Semple	CS69-93	RI70-1242
James W. Lacy	CS69-62	RI70-1240
D. J. Lawson	CS69-85	RI70-1271
B. J. Peyehouse	CS69-72	RI70-1272
Walter K. Boyd, Jr.	CS69-67	RI70-1244
Risher M. Thornton III	CS69-100	RI70-1247
Donald C. Campbell	CS69-66	RI70-1233
Jessica Grammer	CS69-94	RI70-1243
Frank Kell Calhoon	CS69-81	RI70-1281
Estate of Dr. Louis A. Rezzonico and Louis A. Rezzonico, Jr.	CS70-16	RI70-1410

[1] Adobe Corp. is substituted as respondent in the rate proceedings pending in these dockets.

[FR Doc.71-17487 Filed 11-30-71;8:49 am]

[Docket No. E-7674]

ALABAMA POWER CO.

Notice of Extension of Time

NOVEMBER 24, 1971.

On November 22, 1971, Counsel for several municipalities and utility boards filed a request for an extension of time within which to file a petition to intervene or a protest in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including December 6, 1971, within which petitions to intervene or protests may be filed in the above-designated matter.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-17488 Filed 11-30-71;8:49 am]

[Docket No. CP72-130]

CITY OF PRESTONSBURG, KY., AND KENTUCKY-WEST VIRGINIA GAS CO.

Notice of Application

NOVEMBER 24, 1971.

Take notice that on November 9, 1971, the city of Prestonsburg, Ky. (applicant), Prestonsburg, Ky. 41653, filed in Docket No. CP72-130 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Kentucky-West Virginia Gas Co. (respondent) to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by applicant and to sell and deliver natural gas to applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests that respondent be directed to provide a new delivery point on its 8-inch pipeline in the vicinity of U.S. Highways 23 and 460, Floyd County, Ky., and to sell and deliver natural gas to enable applicant to initiate natural gas service in the community of Emma. Applicant proposes to

construct and operate a natural gas distribution system in Emma and environs. The estimated peak day and annual natural gas requirements for the proposed service during the third year of operation are 95 Mcf and 9,000 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17489 Filed 11-30-71;8:49 am]

[Docket No. E-7560]

DELMARVA POWER & LIGHT CO.

Notice of Motion for Approval of Settlement

NOVEMBER 18, 1971.

Take notice that on November 11, 1971, Delmarva Power & Light Co. (Delmarva) filed a motion for approval of settlement in Docket No. E-7560, together with a proposed stipulation and agreement. The stipulation and agreement would resolve all issues in the proceeding and generally provide for a reduction in the increases proposed by Delmarva in Docket No. E-7560 and for refunds of amounts collected in excess of the proposed levels set forth in the stipulation and agreement.

The stipulation and agreement provides for a reduction in certain municipal rates filed by Delmarva which were suspended and made subject to refund by Commission orders issued November 27, 1970, and May 6, 1971. The stipulation and agreement also provides for reduction in the increase proposed by Delmarva with regard to certain cooperative customers, as filed in Docket No. E-7560.

The copies of the stipulation agreement were served on all parties of record in this proceeding. Comments or objections relating to the proposed agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before November 30, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17511 Filed 11-30-71;8:51 am]

[Docket No. CP72-108]

GRAND GAS CORP.

Notice of Application

NOVEMBER 18, 1971.

Take notice that on October 19, 1971, Grand Gas Corp. (applicant), 531 South State Street, Salt Lake City, UT 84111, filed in Docket No. CP72-108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities and for the transportation and sale of natural gas to El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on filie with the Commission and open to public inspection.

Specifically, applicant proposes to construct approximately 42 miles of 2⅞-inch, 4½-inch, and 6⅝-inch pipeline, a 350 horsepower compressor unit and various metering and regulating facilities in Grand County, Utah. Applicant states that it has entered into gas purchase contracts with various producers in the Cisco Dome, Book Cliffs, and Cisco Area of Grand County, and that the facilities proposed herein would be used to connect supplies of natural gas in this area with the pipeline system of El Paso. The estimated cost of the facilities proposed herein is $559,000, which cost applicant states will be financed by loans from its parent companies, Tejas Gas Corp. and Treasure Resources, Inc.

Applicant also proposes to transport natural gas through the aforementioned facilities and to sell and deliver to El Paso up to 8,050 Mcf per day. The initial price El Paso will pay for this natural gas is 25 cents per Mcf at 15.025 p.s.i.a.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17512 Filed 11-30-71;8:51 am]

[Docket No. E-7680]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

NOVEMBER 24, 1971.

Take notice that on November 17, 1971, the Iowa Southern Utilities Co. (applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $14,500,000 aggregate principal amount of unsecured short-term promissory notes and commercial paper notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

Applicant proposes to issue notes to both commercial banks and to commercial paper dealers. The notes issued to commercial banks will not exceed $14,500,000 and the notes to be issued to commercial paper dealers will not exceed 25 percent of the applicant's most recent 12 months' revenue from the sale of electricity and gas, which would presently permit the issuance of $8,500,000.

The interest rate on the notes issued to commercial banks will not exceed one-fourth percent above the prime interest rate. It is anticipated that the interest rate on commercial paper at the time of issuance will, in general, average from one-fourth percent to 1 percent below the prime bank rate; however, on occasions it is possible the interest rate could exceed the prime rate.

Notes issued to commercial banks will mature no later than 90 days from date of issue. Commercial paper notes will mature no later than 270 days from date of issue. Notes will be issued from time to time prior to January 1, 1973.

The proceeds from the issuance of the commercial paper will be used to restore the company's working capital which has been depleted by its being used in part to provide interim funds for construction expenditures, and the proceeds from the issuance of the notes to commercial banks will be added to the general funds of the company, which general funds will be used, among other things, to provide, in part, interim funds for construction expenditures heretofore made and to be made in 1972 and 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a

proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17490 Filed 11-30-71;8:49 am]

[Docket No. CP72-122]

MICHIGAN GAS STORAGE CO.

Notice of Application

NOVEMBER 18, 1971.

Take notice that on November 4, 1971, Michigan Gas Storage Co. (applicant), 212 West Michigan Avenue, Jackson, MI 49201, filed in Docket No. CP72-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation of natural gas for Consumers Power Co. (Consumers), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to transport an additional volume of up to 60,000 Mcf of natural gas per day for Consumers. Applicant will receive this gas from Trunkline Gas Co. at an interconnection between their facilities near White Pigeon, Mich., and will transport it, as Consumers may direct, commencing on July 1, 1972. Under the provisions of its cost-of-service tariff, applicant will pass all costs occasioned by the increased volumes to be transported on to its sole customer, Consumers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17513 Filed 11-30-71;8:51 am]

[Docket No. CP72-121]

NORTHERN MICHIGAN EXPLORATION CO.

Notice of Application

NOVEMBER 18, 1971.

Take notice that on November 4, 1971, Northern Michigan Exploration Co. (applicant), 1945 Parnall Road, Jackson, MI 49201, filed in Docket No. CP72-121 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Consumers Power Co. (Consumers) and Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into two natural gas purchase agreements with a group of individuals known collectively as Corbin J. Robertson, et al. Pursuant to the terms of these agreements, Applicant has the right to purchase gas produced in the South Gibson Field located in Terrebonne Parish, La. Applicant proposes to sell to Trunkline 25 percent of the gas it purchases from the South Gibson Field, at a rate equal to the purchase cost which applicant pays for the gas.

Trunkline will advance to applicant a certain sum ($1,750,000) in respect of applicant's expenditures for the development of the South Gibson Field. The agreement between the parties further provides that such advance shall be repaid by applicant to Trunkline by deducting each month 50 percent of the payments for gas otherwise due applicant thereunder and that, in the event Trunkline has not fully recovered the advance within 5 years from the date of initial delivery of gas, applicant shall immediately pay Trunkline the remaining unrecovered balance of such advance.

Applicant also proposes to sell to Consumers the remainder of the gas purchased pursuant to the purchase agreements as well as any other gas which it may become entitled to purchase in the southern Louisiana area, up to a maximum of 60,000 Mcf per day. The purchase agreement between applicant and Consumers contemplates that applicant will sell and arrange for the transportation and delivery to Consumers of up to 60,000 Mcf per day of gas procured by applicant in southern Louisiana. The agreement further contemplates that Consumers will pay applicant monthly rates and charges which will, in effect, make applicant whole for (i) the cost to it of gas, (ii) the cost to it of transporting and delivering such gas to Consumers pursuant to applicant's agreement with Trunkline, and (iii) its operating costs, including overheads, and will provide applicant with a specified rate of return upon its depreciated net investment and working capital.

To transport the gas to be sold to Consumers pursuant to the agreement attached, applicant states that it has entered into an agreement with Trunkline, whereby Trunkline will transport gas for applicant from certain points in Louisiana to Trunkline's existing delivery point with Consumers on the Indiana-Michigan border, near White Pigeon, Mich. Pursuant to this agreement, up to 60,000 Mcf per day will be delivered to Consumers by Trunkline. For this transportation service, applicant will pay Trunkline a fixed monthly charge (initially $478,250), which charge is subject to increase or decrease pursuant to any Trunkline rate proceeding.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17514 Filed 11-30-71;8:51 am]

[Project 2719]

PENNSYLVANIA POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Extension of Time

NOVEMBER 24, 1971.

On November 8, 1971, Pennsylvania Power & Light Co. and Metropolitan Edison Co. (applicants), filed a motion requesting an extension of time to and including December 3, 1971, within which to answer the petition to intervene filed by Dauphin Consolidated Water Supply Co. on November 3, 1971, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including December 3, 1971, within which applicants may answer the petition to intervene filed by Dauphin Consolidated Water Supply Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17491 Filed 11-30-71;8:49 am]

[Docket No. E-7645]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Extension of Time and Postponement of Cross-Examination

NOVEMBER 24, 1971.

On November 4, 1971, Indiana Statewide Rural Electric Cooperative, Inc., et al., filed a motion requesting that the date for commencement of cross-examination be postponed from February 22, 1972, to March 7, 1972. The motion states that staff counsel, Public Service Company of Indiana, and the intervenors have no objection to the requested postponement. It is further requested that the date set for the filing of rebuttal evidence by Public Service Company of Indiana be extended to February 22, 1972. On November 12, 1971, Public Service Company of Indiana, Inc., filed a motion requesting that the time within which to file their rebuttal evidence be extended to February 22, 1972.

Upon consideration, notice is hereby given that the time is extended to and including February 22, 1972 within which Public Service Company of Indiana, Inc., shall serve its rebuttal evidence in the above-designated matter. The date for the commencement for cross-examination is postponed, to commence on March 7, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17492 Filed 11-30-71;8:49 am]

[Docket No. CP72-115]

SEA ROBIN PIPELINE CO.

Notice of Application

NOVEMBER 23, 1971.

Take notice that on November 1, 1971, Sea Robin Pipeline Co. (applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72-115 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of onshore and offshore facilities in 1972 and 1973, and the transportation of natural gas in southern Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 70.8 miles of pipeline in the Eugene Island Area, Eugene Island Area South Addition, East Cameron Area, East Cameron Area South Addition, and Ship Shoal Area, offshore Louisiana, and to transport natural gas purchased from producers thereof in these areas. Applicant proposes to install 26,150 horsepower of additional compressor facilities at its Erath Compressor Station, Vermilion Parish, La., and 24,500 horsepower of compressor facilities in Block 149, Vermilion Area, offshore Louisiana. Additionally, applicant proposes to construct and operate various gathering facilities in offshore and onshore areas to connect supplies of natural gas to its main line system. The facilities proposed herein are to be constructed at a cost of $59,108,000, which cost applicant proposes to finance initially with short-term bank loans, with permanent financing to be arranged at a later date. Applicant states that the proposed pipelines, together with the gas purchase additions to be attached thereto, will provide an increase in its daily deliverability of natural gas of approximately 400,000 Mcf.

Applicant also requests authorization to transport a daily volume of natural gas of approximately 74,000 Mcf for Humble Oil & Refining Co. from offshore Louisiana to a point onshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in an hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17493 Filed 11-30-71;8:49 am]

[Docket No. CP72-118]

SEA ROBIN PIPELINE CO.

Notice of Application

NOVEMBER 18, 1971.

Take notice that on November 3, 1971, Sea Robin Pipeline Co. (applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72-118 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas for Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 102,000 Mcf of natural gas per day for Tennessee from various points offshore Louisiana to the terminus of its pipeline near Erath, Vermilion Parish, La. Applicant also proposes to construct measuring and regulatory facilities near Erath. The initial rate for this transportation service shall be a monthly demand charge of $1.21 per Mcf of capacity contracted for by Tennessee.

The estimated cost of the proposed facilities is $86,400, which cost applicant proposes to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17515 Filed 11-30-71;8:51 am]

[Docket No. CP72-119]

SEA ROBIN PIPELINE CO.

Notice of Application

NOVEMBER 23, 1971.

Take notice that on November 3, 1971, Sea Robin Pipeline Co. (applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72-119, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of gas for Amoco Production Co. (Amoco) from leases located offshore Louisiana to the terminus of applicant's pipeline near Erath, Vermilion Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant and Amoco have entered into a natural gas sales and transportation contract, dated July 21, 1971. Amoco has gas available for production from Block 264 East Cameron Area, offshore Louisiana, which is not committed for sale to applicant under the sales contract. The surplus gas, amounting to an average daily quantity of 21,000 Mcf, less shrinkage, will be transported for Amoco from Block 264 to a point near Erath. Applicant is not obligated, however, to accept for delivery on any day gas in a volume greater than the quantity of which applicant is entitled to receive under the gas purchase contract. The rate for the transportation service is 3.98 cents per Mcf per month.

In order to render the proposed transportation service, applicant seeks authorization to construct and operate certain tap valves with metering and regulating facilities at its Erath Compressor Station. The estimated cost of the proposed facilities is $49,500 which applicant proposes to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17494 Filed 11-30-71;8:49 am]

[Docket No. CP72-120]

SEA ROBIN PIPELINE CO.

Notice of Application

NOVEMBER 23, 1971.

Take notice that on November 3, 1971, Sea Robin Pipeline Co. (Applicant), Post Office Box 1407, Shreveport, LA 71158, filed in Docket No. CP72-120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of volumes of natural gas through existing facilities for Gulf Oil Corp. (Gulf) from the Eugene Island Area, offshore Louisiana, to a mutually agreeable onshore location, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport a volume of natural gas equal to the volume purchased each day by Applicant from Gulf in Blocks 237, 238, 252, and 253, Eugene Island Area, offshore Louisiana. Through exchange agreements with Southern Natural Gas Co. and United Gas Pipe Line Co., the transported gas will be redelivered at the tailgate of Gulf's Venice Gas Processing Plant in Plaquemines Parish, La. Applicant estimates that it will transport an average of 40,000 Mcf of gas per day for Gulf.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17495 Filed 11-30-71;8:49 am]

[Docket No. CP72-127]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 23, 1971.

Take notice that on November 9, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-127 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the average daily natural gas requirements of its General Service and Small General Service customers have increased and in order to meet these requirements for 1973, it will be necessary to construct and operate approximately 72 miles of 36-inch mainline loop in Mississippi and Tennessee, and to install and operate a new 10,000 horsepower compressor station and modify an existing unit to provide a rating of 9,100 horsepower. The facilities proposed herein will provide an increased authorized system design day capacity for Applicant's system of 84,000 Mcf, which, Applicant alleges, will be a sufficient addition to enable it to meet its systemwide requirements for 1973. No increase in peak day capacity is proposed.

The estimated cost of the facilities proposed herein is $30,050,000, which cost, Applicant states, will be financed from cash on hand and revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17496 Filed 11-30-71;8:49 am]

[Docket No. RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Suspending Proposed Tariff Revision

NOVEMBER 18, 1971.

On October 19, 1971, Texas Eastern Transmission Corp. (Texas Eastern) submitted for filing second revised sheet No. 76 to its FPC Gas Tariff, second revised volume No. 1 with a request that it be allowed to become effective on November 1, 1971. Texas Eastern states: "The purpose of this filing is to make new section 12.4 part of Texas Eastern's General Terms and Conditions applicable to all of its rate schedules. New section 12.4 will modify the demand charge adjustment provisions of Texas Eastern's rate schedules by eliminating demand charge adjustment credits for curtailment of deliveries due to a shortage of gas on Texas Eastern's system."

Texas Eastern requests that the Commission waive compliance with its rules and regulations to the extent necessary to permit the tariff sheet to become effective as proposed. Texas Eastern also urges that the effectiveness not be suspended but if suspended the suspension should be limited to 1 day.

Since it appears that the justness and reasonableness of the proposed tariff revision may be in question and that hearings be held thereon we have determined that its effectiveness should be suspended. We believe that under the circumstances it would be appropriate to suspend the effectiveness of the proposed revised tariff sheet for the full statutory suspension period of 5 months, running from November 18, 1971, 30 days after the filing. Accordingly there is no need for the requested waiver of compliance with the Commission's rules and regulations.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed revised tariff sheet be suspended and the use thereof deferred as herein provided.

(2) In the event Commission determination of this proceeding is not concluded prior to the termination of the suspension period herein ordered the placing of the tariff changes applied for in this proceeding into effect after the suspension period in the manner prescribed by the Natural Gas Act, all subject to refund with interest, while pending Commission determination as to their justness and reasonableness is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders: Pending hearing and decision on issues relating thereto, Texas Eastern's proposed second revised sheet No. 76 is hereby suspended and the use thereof deferred until April 19, 1972, and such further time as it is made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17516 Filed 11-30-71;8:51 am]

[Dockets Nos. RI72-141, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 17, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-141..	Atlantic Richfield Co.	289	5	El Paso Natural Gas Co. (Payton-Simpson Field, Pecos County, Tex.) (Permian Basin).	(3)	10-22-71	.....	12-23-71	15.7187	17.0638	RI70-557.
	....do.....	318	3	Transwestern Pipeline Co. (Gomez Field, Pecos County, Tex.) (Permian Basin).	$1,452	10-22-71	.....	1- 2-72	17.5766	18.5909	RI60-184.
	....do.....	464	9	Kansas-Nebraska Natural Gas Co., Inc. (Sand Draw and Muskrat Fields, Fremont County, Wyo.).	140,007	10-21-71	.....	1- 2-72	[1] 11.11	[1] 14.645	
RI72-142..	Kerr-McGee Corp.	89	1	Mountain Fuel Supply Co. (Pale Gulch Unit, Moffatt County, Colo.).	48	10-21-71	.....	12-22-71	[8] 15.0	[8] 16.0	
RI72-143..	Midwest Oil Corp.	2	[5] 5	Kansas-Nebraska Natural Gas Co., Inc. (West Big Springs Field, Deuel County, Nebr.).	.....	10- 4-71	11-4-71	[10] Accepted			
	....do.....		6	....do.....	1,835	10-20-71	.....	12-21-71	12.06	18.0	
RI70-1129.	Pubco Petroleum Corp.	15	2-3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	(1,200)	10-21-71	.....	[9] Accepted	15.7325	[4] 15.61625	RI70-1129.
RI72-144..	Phillips Petroleum Co.	485	1-3	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex., Permian Basin).	7,811	10-19-71	.....	[11] 12-19-71	[7] 26.215	28.355	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes a double amount of contractually due tax reimbursement.
[2] No current production.
[3] Agreement providing a new schedule of periodic escalations and changing the pressure base from 16.4 p.s.i.a. to 14.65 p.s.i.a.
[4] 1 0 5 cents @ 16.4 p.s.i.a.
[5] Rate decrease to provide for tax reimbursement on future production only.
[6] For acreage added by Supplement No. 3 only.
[7] Initial rate (24.5 cents base rate plus 1.715 cents upward B.t.u. adjustment).
[8] The pressure base is 15.025 p.s.i.a.
[9] Accepted, for filing to be effective as of July 1, 1971, subject to the existing rate proceeding in Docket No. RI70-1129.
[10] Accepted, to be effective on the date shown in the "Effective Date" column.
[11] Or one day after the date of initial delivery, whichever is later.

The proposed increase of Atlantic Richfield Co. under its FPC Gas Rate Schedule No. 464 includes a double amount of contractually due tax reimbursement for taxes applicable to future production as well as for taxes applicable to past production back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Atlantic shall file a rate decrease reducing its proposed rate so as to provide for tax reimbursement for future production only.

Pubco Petroleum Corp. has been collecting a double amount of the contractually due reimbursement for taxes applicable to future production as well as past production back to January 1, 1968, for sales under its FPC Gas Rate Schedule No. 15. Since tax reimbursement applicable to past production has been recovered, Pubco has filed a rate decrease reducing its rate so as to provide for tax reimbursement for future production only. Consistent with Commission action on similar filings, the proposed decrease is accepted for filing subject to refund in existing suspension proceedings to be effective as of the requested effective date.

The proposed renegotiated increase of Midwest Oil Corp. is for a sale of gas in Deuel County, Nebr., where no formal ceiling rate has been established. The Commission has previously used the 12.7 cent per Mcf at 14.65 p.s.i.a. increased rate ceiling of adjacent Colorado as a guide to determine the action to be taken on proposed increases in Nebraska. Since the proposed increase exceeds the Colorado ceiling, but does not exceed the price level for a 1-day suspension period, Midwest's proposed renegotiated increase is suspended for only 1 day.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56). None of the proposed rates exceed the price ceilings normally applicable for a 1-day suspension period.

Each supplement listed in this appendix is effective as of the date provided in the "Date Suspended Until" column or such later date as may be authorized under Executive Order No. 11615. This order does not relieve any producer herein of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615, or subsequent executive order.

[FR Doc.71-17394 Filed 11-30-71;8:45 am]

[Docket No. CS72-401, etc.]

SAM MIZEL ET AL.

Notice of Applications for "Small Producer" Certificates [1]

NOVEMBER 19, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-401...	11-5-71	Sam Mizel, Post Office Box 2475, Tulsa, OK 74101.
CS72-402...	11-5-71	Pioneer Oil Investment Co., 1719 First National Center, Oklahoma City, OK 73102.
CS72-403...	11-8-71	Grapevine Corp., 12 North Fourth St., Healdton, OK 73438.
CS72-404...	11-8-71	G. Donald Murdoch, 500 South Spring St., Los Angeles, CA 90013.
CS72-405...	11-5-71	Jack E. Trigg, Post Office Box 1278, Liberal, KS 67901.
CS72-406...	11-3-71	Louis Dorfman et al., 1750 Mercantile Dallas Bldg., Dallas, Tex. 75201.

Docket No.	Date filed	Name of applicant
CS72-407...	11-5-71	Harry W. Brennan, Jr., 508 Petroleum Bldg., Longview, Tex. 75601.
CS72-408...	11-8-71	Peter Henderson Oil Co., 654 Madison Ave., New York, NY 10021.
CS72-409...	11-8-71	John S. Graham, Suite 1100, 1140 Connecticut Ave. NW., Washington, DC 20036.
CS72-410...	11-8-71	Mrs. Elizabeth B. Graham, 3326 P Street, NW., Washington, DC 20007.
CS72-411...	11-8-71	Atom, Inc., Post Office Box 1109, Farmington, NM 87401.
CS72-412...	11-8-71	P. S. & G., Inc., Suite 2102, 370 Lexington Ave., New York, NY 10017.
CS72-413...	11-8-71	Morris Mizel, 2118 East Third St., Tulsa, OK 74104.
CS72-414...	11-8-71	Pumpelly-Stava Operator, Post Office Box 1743, Grand Junction, CO 81501.
CS72-415...	11-8-71	Ute Production Co., Post Office Box 1743, Grand Junction, CO 81501.
CS72-416...	11-8-71	David A. Wilson, Post Office Box 1415, Longview, TX 75601.
CS72-417...	11-8-71	C. W. Trainer, Post Office Box 763, Hobbs, NM 88240.

[FR Doc.71-17395 Filed 11-30-71;8:45 am]

FEDERAL RESERVE SYSTEM

ESSEX BANCORP, INC.

Formation of One-Bank Holding Company

Essex Bancorp, Inc., Lynn, Mass., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of action whereby applicant would become a bank holding company through acquisition of at least 80 percent of the voting shares of Essex County Bank and Trust Co., Lynn, Mass.

The application may be inspected at the Federal Reserve Bank of Boston.

Section 3(c) of the Act requires that the Board consider the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than December 20, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on January 3, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, November 24, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17507 Filed 11-30-71;8:50 am]

INLAND FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Inland Financial Corp., which is a bank holding company located in Milwaukee, Wis., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of Heritage Bank-Mayfair, Wauwatosa, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, November 24, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17440 Filed 11-30-71;8:45 am]

JACOBUS CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Co. Act of 1956 (12 U.S.C. 1842(a)(3)), by the Jacobus Co., which is a bank holding company located in Milwaukee, Wis., for prior approval by the Board of Governors of the indirect acquisition by Applicant (through its subsidiary Inland Financial Corp.) of 100 percent of the voting shares (less directors' qualifying shares) of Heritage Bank-Mayfair, Wauwatosa, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, November 24, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17439 Filed 11-30-71;8:45 am]

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the 1st State Bank & Trust Co., Columbus, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board

finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Board of Governors of the Federal Reserve System, November 24, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17441 Filed 11-30-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

CONSIDERATION OF SOCIOECONOMIC IMPACT WHEN SELECTING LOCATIONS FOR FEDERAL BUILDINGS

Notice of Procedures

1. *Purpose.* The procedures provide internal Public Buildings Service implementation of a memorandum agreement between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA).

2. *Background.* Executive Order 11512 of February 27, 1970, provides guidance for the planning, acquisition, and management of Federal space. Executive Order 11512 supersedes Executive Order No. 11035 of July 9, 1962.

3. *Agreement with Secretary of Housing and Urban Development.* In further implementation of sections 2(a)(2) and 2(a)(6) of Executive Order 11512, the Administrator, General Service Administration, entered into an agreement with the Secretary of Housing and Urban Development (HUD) to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to site selections and major lease actions having a significant socioeconomic impact on a community. Under the agreement HUD will advise GSA on the availability of low- and moderate-income housing in connection with locating Federal facilities. HUD will also advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, as well as to assist in increasing the availability of such housing through its own programs. The text of the agreement follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE GENERAL SERVICES ADMINISTRATION CONCERNING LOW- AND MODERATE-INCOME HOUSING

Purpose: The purpose of the memorandum of understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and, as a major employer, in accordance with the concepts of good management to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of Title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of Title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of * * * "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family * * *." This goal was reaffirmed in the Housing and Urban Development Act of 1968 (sections 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Buildings Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of Executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the Executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low- and moderate-income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low- and moderate-income housing without discrimination because of race, color, religion or national origin, in accordance with its duty affirmatively to further the purposes of Title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, homeownership and rental housing assistance, rent supplements, below-market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans, Operation Breakthrough, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally constructed building or leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, once a site has been selected for a federally constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city or delineation of a general area for location of public buildings or leased space, GSA will provide the earliest possible notice

to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned public buildings projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low and moderate income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committees on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed, a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) Major lease actions having a significant socioeconomic impact on a community: At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate- income housing on a nondiscriminatory basis to the delineated area. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committees on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low- and moderate-income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the DHUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9(d) with respect to an area or site indicates that the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development.

JUNE 12, 1971.

ROBERT L. KUNZIG,
Administrator, General Services Administration.

JUNE 11, 1971.

4. *Obtaining socioeconomic data.* a. The Regional Director, PBS is responsible for obtaining data and advice from the regional offices of the Department of Housing and Urban Development; Health, Education, and Welfare; Commerce, and others, as appropriate.

b. GSA regional requests for consultation, advice or reports shall be in writing and shall request a reply in writing. Requests to HUD shall be directed to the Regional Administrator.

c. GSA shall provide any information at its disposal which will enable those submitting advice to reach a decision. Normally, information concerning a proposed project will include (1) a copy of the prospectus, (2) the delineated area, (3) the size and purpose of the proposed project, (4) the present locations of the agencies scheduled to occupy the new space, (5) the number of positions by grade range of employees who will occupy the space, and (6) an estimate of the number of employees whose jobs are being moved. Further details may be required depending upon the specific project.

5. *Classification of actions to which HUD–GSA agreement applies.* a. All project development investigations and site selections for public buildings.

b. Lease prospectus actions to accommodate Federal agencies in buildings and improvements which are to be erected by the lessor at an estimated cost of construction in excess of $200,000.

c. Other major lease actions and utilization actions which involve a major shift or relocation of agencies to new areas or locales. Major actions considered to have significant socioeconomic impact on a community and to which the memorandum of understanding will apply are (1) all new and succeeding lease actions having terms in excess of 5 years, including all options, as well as the renewal of existing leases where the term of the renewal is in excess of 5 years and (2) where the space is to be acquired within the defined limits of a city or town and the amount of space in relation to the population exceeds the indicated footage as follows:

Population	*Square footage*
0– 25,000	5,000 sq. ft.
25,001– 50,000	Over 10,000 sq. ft.
50,001–100,000	Over 15,000 sq. ft.
100,001–500,000	Over 30,000 sq. ft.
500,001 and over	Over 50,000 sq. ft.

6. *Project development investigation.* a. Prior to undertaking project development surveys for the purpose of identifying specific needs for Federal or lease construction or major alteration projects for housing Federal activities, the Regional Director, PBS, will inform the Regional Administrator, HUD, of the initiation of a project development investigation and request information relating to present and planned availability of low and moderate income housing on a nondiscriminatory basis in the area where such a project might be located. This data will constitute the basic information concerning housing considerations at this stage of project planning. Accordingly, the following information should be obtained from or with the assistance of HUD:

(1) Summary information on general type location, cost and current availability of all local housing.

(2) Information on all public-assisted housing built within recent years. Its current availability (vacancy ratio) should be indicated.

(3) A listing of all currently proposed or planned low and moderate income housing developed by local governmental jurisdiction or private developer.

(4) Geographic areas of all urban renewal, community renewal, model cities, or other publicly assisted housing projects should be defined.

b. The regional Operational Planning staff will prepare the Project Development Report which will delineate the general area or areas for the project. HUD will be advised at the earliest possible time with respect to such decision.

c. The Office of Operational Planning shall be responsible for providing to the Headquarters office of HUD copies of all prospectuses approved by the Public Works Committees of the Congress.

d. Under the direction of the Office of Operational Planning, the regional Operational Planning staff shall collect and maintain housing data in the principle Federal employee population centers so that to the greatest extent practicable,

data will be available when needed in connection with actions in those areas.

7. *Site investigation and selection.* a. Upon receipt of a site investigation directive, the Regional Director, PBS, shall initiate necessary actions in accordance with overall PBS directives. The site investigation directive will delineate the area or areas in which the proposed project will be located. The Regional Director, PBS, is required to provide advance notice of the site investigation to State and local governments, clearing houses, and local elected officials. At the same time, the regional Administrator, HUD, will be informed of the planned site investigation, will be provided with a copy of the site investigation directive, and will be requested to designate an appropriate HUD official to participate in the site investigation work. The HUD representative will be required to survey, determine, and furnish GSA with a written report on availability of low and moderate income housing on a nondiscriminatory basis and the accessibility of such housing to the delineated area(s) in which the proposed buildings will be located.

b. The data obtained from the State clearing houses, local and regional planning officials, and local elected officials shall be used to determine whether the delineated area(s) specified in the site investigation directive shall be modified so as to conform to the maximum extent possible with the planning objectives in the community.

c. The report provided by the Department of HUD, through its representative, shall constitute the principal basis for the determination by GSA as to the availability and accessibility of low- and moderate-income housing on a nondiscriminatory basis for the Federal employees to be housed in the proposed building. The Regional Director, PBS, will advise the HUD representative when the GSA site investigation team recommends a site for selection which has been reported unfavorably by HUD. In the event the disagreement between HUD and GSA representatives at the regional level is not resolved, HUD shall advise the Administrator of such disagreement within 5 workdays and specify the time required to properly present its views for headquarters review.

d. GSA will provide HUD with a written explanation when, after headquarters review, a location is selected which HUD reported inadequate with respect to the availability of such location of low- and moderate-income housing on a nondiscriminatory basis.

e. When GSA intends to proceed with a site acquisition in an area which has been reported upon unfavorably by HUD with respect to adequacy of the supply of low- and moderate-income housing on a nondiscriminatory basis for the Federal employees who will be located there, the regional Assignment and Utilization Branch (A&U) with the cooperation of the regional Acquisition Branch shall develop an affirmative action plan with HUD, the proposed occupant agency, and local officials to insure that an adequate supply of housing will be available before the building is to be occupied, or within a period of 6 months thereafter.

8. *Other major lease actions.* a. For other major lease actions, the Regional Director, PBS, and the A&U Branch shall be responsible for delineating the area for lease actions consistent with 41 CFR 101–18.102, so as to exert, to the greatest extent practicable, a positive economic and social influence on the development and redevelopment of areas in which such facilities are to be located. The area circumscribed thereby shall be sufficiently large to assure full and free participation by potential offerors. In determining this area, A&U shall consult with the agency to be housed, the Acquisition Branch and the Operational Planning staff.

b. Whenever an agency initiates a space request which results in a major lease action as defined in 5c above, the GSA Regional Director, PBS, shall contact the HUD Regional Administrator at the regional office of HUD and request a housing analysis in the specifically delineated area identified by the agency to be housed, or as such area may be modified by GSA consistent with its policies. A&U shall obtain all necessary data from the requesting agency and transmit this to HUD in order for that Department to make a meaningful housing analysis in relation to the space request. The advice of HUD in this instance will constitute the principal basis for GSA's consideration of the availability of housing. A&U representative shall adjust the delineated area to the greatest extent possible consistent with the HUD findings. If an adequate supply of housing is available within the area, based on the HUD report, the lease action request will then be submitted to the Acquisition Branch for appropriate action.

c. When GSA intends to proceed with a lease action request in an area which has been reported upon unfavorably by HUD, the justification to proceed shall be prepared by A&U which shall submit copies to the requesting agency, HUD and the Acquisition Branch. If the HUD representative considers such action as a disagreement between HUD and GSA representatives, HUD will advise the Administrator of General Services of such disagreement within 5 working days after receipt of GSA's notice that it will proceed with the least action even though HUD's report regarding housing is unfavorable. The Regional Director, PBS, will be advised by the GSA Central Office of the protest and the schedule for review and reconsideration of views concerning specific locations. A&U shall immediately notify the requesting agency of the review schedule.

d. If, after headquarters review, a location is selected which HUD reported inadequate with respect to the availability of low and moderate income housing on a nondiscriminatory basis, GSA will provide HUD with a written explanation. The report of explanation to HUD will be made available to A&U. Lease action will proceed. Thereafter, in accordance with the agreement, the regional A&U Branch with the cooperation of the Regional Acquisition Branch shall develop an affirmative action plan with HUD, the proposed occupant agency and local officials to insure that an adequate supply of housing will be available before the building or space is to be occupied or within a period of 6 months thereafter.

9. *Reassignment or utilization actions.* a. Whenever actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major workforce as defined in 5c above, but do not involve the acquisition of buildings or leased space, the impact on low and moderate income and minority employees shall be considered by the regional A&U Branch.

b. The Department of Housing and Urban Development shall be consulted concerning the availability, on a nondiscriminatory basis, of low and moderate income housing to the project area for those Federal employees who will work in the space to be assigned or reassigned.

c. When, after consultation, it is determined: (1) There is a lack of low and moderate income housing on a nondiscriminatory basis within a reasonable proximity, and (2) the location is not readily accessible from other areas of the urban center, an affirmative action plan shall be developed as described in 8d above.

10. Any person who wishes to submit written data, views, or objections pertaining to the proposed procedures may do so by filing them in duplicate with the Commissioner, Public Buildings Service, General Services Administration, Room 6340, General Services Administration, 19th and F Streets NW., Washington, DC 20405, within 30 calendar days following publication of this notice in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: November 29, 1971.

ARTHUR F. SAMPSON,
Commissioner,
Public Buildings Service.

[FR Doc.71-17649 Filed 11-30-71;10:15 am]

TENNESSEE VALLEY AUTHORITY

FINAL ENVIRONMENTAL STATEMENT

Notice of Availability

Notice is hereby given that copies of a document entitled "Environmental Statement, Allen Gas Turbine Plant Units 1–16" dated October 29, 1971, has been made available to the President, the Council on Environmental Quality, and to the public as required by section 102(2)(C) of the National Environmental Policy Act. The statement contains the comments of the appropriate Federal, State, and local agencies concerning the construction of gas turbine peaking plant additions at Memphis, Tenn. Copies of the document are available for public examination in the office

of the Director of Information, 508 Union Avenue, Knoxville, Tenn. 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, DC 20444.

Single copies of the final statement will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 22d day of November 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-17470 Filed 11-30-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 13); Amdt. 6]

REGIONAL DIRECTORS, ET AL.

Delegation of Authority to Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 13), (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, and 36 F.R. 15769), is hereby further amended by revising paragraph 2 of section C, Part II. As revised, paragraph 2 reads as follows:

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

a. Regional Director except Region III.

b. Regional Director, Region III, outside the Metropolitan Washington Area.

c. Chief, Regional CED Division, except Region III.

d. Chief, Regional CED Division, Region III, outside Metropolitan Washington Area.

Effective date: October 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-17530 Filed 11-30-71;8:53 am]

[Declaration of Disaster Loan Area 857; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of certain disasters damage resulted to business property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Davis Square, Somerville, Mass., suffered damage or destruction resulting from fire on October 20, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 31, 1972.

Dated: November 12, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-17531 Filed 11-30-71;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3898—7-3901]

ATLAS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the Matter of application of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission purusant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Atlas Corp. (warrants to purchase common stock)	7-3898
Avco Corp. (warrants to purchase common stock)	7-3899
Braniff Airways, Inc. (warrants to purchase common stock)	7-3900
Cities Service Co. (warrants to purchase Atlantic Richfield Co. common stock)	7-3901

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-17458 Filed 11-30-71;8:46 am]

[Files Nos. 7-3885—7-3891]

BORG-WARNER CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Borg-Warner Corp	7-3885
Boston Edison Co	7-3886
Carolina Power & Light Co	7-3887
Consolidated Natural Gas Co	7-3888
Continental Oil Co	7-3889
FMC Corp	7-3890
General Public Utilities Corp	7-3891

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained

in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17457 Filed 11-30-71;8:46 am]

[Files Nos. 7-3902—7-3905]

CONTINENTAL TELEPHONE CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Continental Telephone Corp. (warrants to purchase common stock)	7-3902
The Greyhound Corp. (warrants to purchase common stock)	7-3903
Hilton Hotels Corp. (warrants to purchase common stock)	7-3904
Leasco Corp. (warrants to purchase common stock expiring June 4, 1978)	7-3905

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17459 Filed 11-30-71;8:46 am]

[Files Nos. 7-3906—7-3909]

LING-TEMCO-VOUGHT, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Ling-Temco-Vought, Inc. (warrants to purchase common stock)	7-3906
National General Corp. (warrants to purchase common stock expiring May 15, 1974)	7-3907
National General Corp. (warrants to purchase common stock expiring September 30, 1978)	7-3908
National Industries, Inc. (warrants to purchase common stock)	7-3909

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17460 Filed 11-30-71;8:47 am]

[File No. 7-3918]

MICRODOT, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Microdot, Inc. (Delaware) — File No. 7-3918

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17462 Filed 11-30-71;8:47 am]

[Files Nos. 7-3892—7-3897]

J. P. MORGAN & CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
J. P. Morgan & Co	7-3892
Niagara Mohawk Power Corp	7-3893
Peoples Gas Co	7-3894
Santa Fe Industries, Inc	7-3895
Smith Kline & French Laboratories	7-3896
Warner-Lambert Co	7-3897

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to

any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17456 Filed 11-30-71;8:46 am]

[Files Nos. 7-3910—7-3913]

NORTHWEST INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 22, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Northwest Industries, Inc., (Warrants to purchase common stock)	7-3910
Tenneco, Inc. (warrants to purchase common stock expiring November 1, 1975)	7-3911
Tenneco, Inc. (warrants to purchase common stock expiring April 1, 1979)	7-3912
Textron, Inc. (warrants to purchase common stock)	7-3913

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17463 Filed 11-30-71;8:47 am]

[File Nos. 7-3914—7-3917]

TRI-CONTINENTAL CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearings

NOVEMBER 22, 1971.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Tri-Continental Corp. (warrants to purchase common stock)	7-3914
United Brands Co. (warrants to purchase common stock)	7-3915
Whittaker Corp. (warrants to purchase common stock)	7-3916
United States Smelting Refining & Mining Co. (warrants to purchase common stock)	7-3917

Upon receipt of a request, on or before December 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17461 Filed 11-30-71;8:47 am]

[812-3045]

AMERICAN DUALVEST FUND INC.

Notice of Filing of Application for Exemption and to Amend Previous Commission Order

NOVEMBER 22, 1971.

Notice is hereby given that American DualVest Fund, Inc., 120 Broadway, New York, NY (Applicant), a Delaware corporation registered under the Investment Company Act of 1940 (Act) as a diversified, closed-end, management investment company, has filed an application pursuant to section 6(c) of the Act to exempt Applicant from the provisions of sections 18(a)(2)(B) and 18(a)(2)(E) and to amend a prior Commission order to the extent necessary to permit the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant states that in March, 1971, it consummated a transaction with Weiss, Peck & Greer (Weiss), which is a limited partnership organized under the laws of New York, and is a member of the New York Stock Exchange and registered with the Commission as a broker-dealer. As a part of that transaction, Weiss agreed to pay Applicant up to $702,000 in consideration of the retention of Weiss as Applicant's investment adviser subject to shareholder approval. Of such amount, $630,827 was paid on July 9, 1971, and the balance plus interest was paid on August 4, 1971.

Applicant states that it has outstanding, in equal number, two classes of stock designated Income Shares and Capital Shares. The Income Shares are a class of senior securities within the meaning of the Act, and, in general, entitle its holders to all net income of Applicant except income from capital gains. Applicant states that in connection with the Weiss transaction, its Board of Directors (Board) determined that the payments to be received from Weiss should relate to all of Applicant's assets and to the interest of all the shareholders in such assets.

Applicant states that, accordingly, its Board approved and recommended the adoption by shareholders of an amendment to Applicant's Certificate of Incorporation providing that any payment received by Applicant (i) in connection with the retention of an investment adviser and (ii) which related to all of the assets of Applicant as determined in good faith by the Board, including a majority of the directors representing holders of each class, would be allocated among, and distributed to, the holders of Capital Shares and Income Shares, as the Board, voting by class, shall determine. The amendment also provided that any amount so allocated and distributed to the holders of Income Shares shall not be applied in reduction of the minimum annual dividend payable to them. In Applicant's Proxy Statement, the Board advised shareholders that if the amendment was approved, the Board intended to allocate and distribute the payment to

be received from Weiss equally between both classes of shares, subject to the granting of an appropriate order by the Commission.

Applicant states that its shareholders at their annual meeting approved the above amendment to the Certificate of Incorporation and approved the investment advisory agreement with Weiss.

Section 18(a)(2)(B) of the Act provides that it shall be unlawful for any registered closed-end investment company to issue any class of senior security unless, if such class of senior security is a stock, provision is made to prohibit the declaration of a dividend or other distribution upon the common stock except under circumstances in which the class of senior security at the time of such declaration has an asset coverage of at least 200 percent after deducting the amount of such dividend or distribution. "Asset coverage" of a class of senior security which is a stock is defined in section 18(h) of the Act to mean the ratio which the value of the total assets of the issuer, less all liabilities and indebtedness not represented by senior securities bears to the aggregate amount of senior securities representing indebtedness of such issuer plus the aggregate of the involuntary liquidation preference of such class of senior security which is a stock. Applicant states it has no indebtedness represented by senior securities and has no liabilities other than those incurred in the ordinary course of business.

Applicant states that on August 31, 1971, it had total gross assets of approximately $41,200,000 and liabilities other than as represented by the Income Shares of approximately $1,400,000. The involuntary liquidation preference of the Income Shares on August 31, 1971, was approximately $23 million and the asset coverage, after deducting the amount to be distributed, was approximately 170 percent. Thus, at August 31, 1971, Applicant would have been unable to make any distribution to Capital Shareholders as the asset coverage was less than 200 percent.

Section 18(a)(2)(E) provides that it shall be unlawful for any registered investment company to issue any class of senior security unless, if such class of senior security is a stock, such class of stock shall have complete priority over any other class as to distribution of assets and payment of dividends, which dividends shall be cumulative.

In 1967 the Commission, subject to certain conditions and for limited purposes, exempted Applicant from the provisions of section 18(a)(2)(E) of the Act (Investment Company Act Release No. 4886). Applicant desires to reaffirm the exemption provided in the 1967 order to allow distributions to Capital Shareholders under the circumstances described herein.

On the basis of the foregoing, Applicant requests an order of the Commission pursuant to section 6(c) of the Act amending the Commission's prior order dated March 22, 1967 and exempting Applicant from the prohibition on the declaration and payment of a dividend or other distribution by the Fund upon its Capital Shares as contained in sections 18(a)(2)(B) and (E) of the Act in circumstances under which: (i) The distribution is to be made from a payment received by Applicant in connection with the retention of an investment adviser, which payment relates to all of the assets of Applicant as determined by the Board (including a majority of the directors representing Capital Shares and a majority of those representing Income Shares, voting by class); (ii) the Income Shares would not have, at the time of the declaration of such dividend or distribution, but after deducting the amount hereof, an asset coverage of at least 200 percent; and (iii) the Board, voting by class, has determined to allocate and distribute a part of such payment to the holders of Capital Shares.

Applicant consents to a condition pursuant to which Applicant will file with the Commission, on a quarterly basis, a statement as to the Income Shares "asset coverage" calculated in accordance with section 18(h) of the Act until such time as the "asset coverage" exceeds 200 percent.

Section 6(c) authorizes the Commission, conditionally or unconditionally, to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 13, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17464 Filed 11-30-71;8:47 am]

[70-5015]

ARKANSAS POWER & LIGHT CO., ET AL.

Notice of Proposed Organization and Conduct of Business of Nonutility Subsidiary Company in Registered Holding Company System and Related Transactions

NOVEMBER 19, 1971.

In the matter of Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, AR 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70114; Mississippi Power & Light Co., Electric Building, Jackson, Miss. 39205; New Orleans Public Service, Inc., Post Office Box 60340, New Orleans, LA 70160.

Notice is hereby given that Arkansas Power & Light Co. (AP&L), Louisiana Power & Light Co. (LP&L), Mississippi Power & Light Co. (MP&L) and New Orleans Public Service, Inc. (NOPSI) (collectively referred to as "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. (MSU), a registered holding company, have filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), (7), 9(a), 10, 12(b), and 13(b) and Rules 43, 45, 80(b), 86, 87(b)(6), 90(d)(2), and 92 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Operating Companies propose to organize a new jointly-owned subsidiary company, System Fuels, Inc. (SFI), to plan and implement programs for the procurement of fuel supplies for the generating units of the Operating Companies. The fuel requirements of the Operating Companies during the next 10 years are anticipated to be on the order of 3.3 trillion cubic feet of gas, 3.1 million kilograms of natural uranium, and 132 million barrels of fuel oil or a total fuel requirement equivalent to approximately 912 million barrels of fuel oil, of which 24 percent is not available under existing contracts. The dollar value of fuels required for the period through 1980, which are still to be contracted for, is approximately $789 million at the current price of fuel oil.

Natural gas has been the principal fuel for the major generating plants of the MSU System. The natural gas has been purchased under long-term contracts negotiated prior to the construction of such new generating plants or units. The

major units have been designed to burn fuel oil for limited periods to permit continued operating during interruptions of gas deliveries.

It is represented that, in recent years, the MSU system has experienced unfavorable changes in the availability and cost of gas and fuel oil. Requests by the Operating Companies for bids to supply gas or fuel oil under conventional long-term contracts either have failed to elicit any response or have brought unacceptable offers. Suppliers under existing gas supply contracts have declined to renew or extend expiring contracts. The Operating Companies also have experienced increased curtailment of gas deliveries, failures by gas suppliers to deliver their contractual commitments, and requests of gas suppliers to renegotiate prices established by existing contracts.

The Operating Companies now have one nuclear-fueled unit more than 60 percent completed and commitments have been made for four others. They are also designing three new generating units to burn fuel oil or gas or a combination of both. It is stated that extended study of the fuel supply problem has led MSU to the conclusion that, in order to assure adequate fuel for its generating units, the MSU system will have to obtain greater control over its fuel sources by engaging in fuel exploration, production and delivery programs as a supplement to purchases. The Operating Companies propose to utilize SFI to plan and implement such programs. Middle South Services, Inc., will provide SFI with administrative and other services at cost.

The proposed functions of SFI include continuing efforts to purchase fuel in accordance with past practices, prospecting for, acquiring and developing fuel reserves, acquiring or operating facilities necessary to produce, process, receive, store and transport fuels, including nuclear fuel, for the Operating Companies' generating units and selling fuels to the Operating Companies and byproducts and surpluses to nonaffiliated companies. SFI will sell fuels to the Operating Companies at prices equal to its cost determined in accordance with Rule 91. SFI intends to own only those physical facilities which are more practical and economical for it to own and operate on a systemwide basis. SFI will not acquire any equity interest in any organization which owns or proposes to acquire assets other than those which SFI could own directly. In addition, SFI will support research and experimental installations relating to fuel processing and utilization. It is contemplated that the first SFI program will be directed to gas and oil exploration and development for additional fuel for the MSU generating plants.

It is proposed that SFI initially be capitalized in the amount of $20,000, represented by 200 shares of capital stock, to be issued to AP&L, LP&L, MP&L, and NOPSI, in proportion to their contributions to its capitalization of $7,000, $6,600, $3,800, and $2,600, respectively. In addition, the Operating Companies propose, from time to time through 1973, to lend to SFI, for terms of not more than 10 years, in the aggregate amount not to exceed $30 million outstanding at any one time. Each Operating Company will provide for each loan an amount in such proportion as its sales for the preceding calendar year bear to the total Kwh sales of the MSU system, computed in both cases by including sales to rural electric cooperatives and municipalities but excluding sales to other electric public utilities.

These loans will be evidenced by SFI notes which will bear interest at an annual rate, adjustable monthly, equal to the highest rate borne by any bank borrowings of the particular Operating Company making the loan on the last day of the preceding month, or if no such bank borrowings are outstanding, the prevailing prime rate in New York City. The notes will be prepayable in any amount without penalty. It is anticipated that they will be repaid by SFI at or prior to maturity out of funds accumulated from the sale of fuels to the Operating Companies obtained as a result of SFI's operations as described herein. It is also anticipated that SFI may issue and sell additional securities to the Operating Companies; borrow from banks, insurance companies and other nonaffiliated lenders, all of which will be the subject of future applications to the Commission. SFI will furnish quarterly reports to the Commission describing the progress of its program and will also furnish on or before December 1 in each year a copy of SFI's budget and projected cash flow statement for the next succeeding calendar year.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000, including legal fees.

Notice is further given that any interested person may, not later than December 16, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17465 Filed 11-30-71;8:47 am]

[812-3039]

MAGNACAP FUND, INC.

Notice of Filing of an Application for an Order Exempting Proposed Exchange of Shares

NOVEMBER 23, 1971.

Notice is hereby given that Magnacap Fund, Inc. (Applicant), 185 Cross Street, Fort Lee, New Jersey, a Maryland corporation registered under the Investment Company Act of 1940 (Act), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c-1 thereunder a proposed transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of ICM Equity Fund, Inc. (ICM). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

ICM is an open-end diversified, management investment company incorporated under the laws of the State of Maryland. As of September 17, 1971, the net assets of ICM amounted to $1,793,245, consisting almost entirely of cash and marketable securities. As of that date there were approximately 447,781 shares outstanding of ICM stock owned by approximately 1,500 shareholders.

Pilgrim Fund Distributors (PFD), the principal underwriter for Applicant, also acts as the principal underwriter for shares of ICM, which are presently being offered for sale only to current shareholders of ICM.

Interscience Capital Management Corp. formerly acted as Investment Manager to ICM under an Investment Advisory Agreement which was terminated on September 17, 1971. ICM is currently operating pursuant to an Administrative Services and Management Agreement in effect between ICM and Pilgrim Management Corp. (PMC), which also acts as investment manager to Applicant. PMC presently provides administrative and management services at no cost to ICM.

Pursuant to the Articles of Sale and Plan of Reorganization (Plan) between Applicant and ICM, Applicant will acquire all of the net assets of ICM in exchange for shares of Applicant's capital stock. The number of Applicant's shares to be issued in exchange for the net assets of ICM is to be determined by dividing the aggregate market value of the assets of ICM to be transferred to Applicant by Applicant's then net asset value per share subject to a certain adjustment which would reflect the respective proportion of assets of ICM and Applicant representing realized and undistributed gains (or losses), as well as unrealized appreciation as of the valuation time. If the valuation under the Plan had taken place at the close of business on September 17, 1971, the tax adjustment would have increased the market value of the assets of ICM by $27,908, and ICM would have received 175,448.36 shares of Applicant's stock. When received by ICM, the Applicant's shares are to be distributed to ICM stockholders in complete liquidation of ICM, in proportion to their respective stock ownership in ICM.

Section 22(d). Applicant's shares are currently offered to the public on a continuous basis at net asset value plus varying sales charges, ranging from 8.75 percent on sales of less than $25,000 to 1 percent on sales of $1 million or more, as disclosed in Applicant's prospectus. Pursuant to the terms of the Plan no sales charge will be added to the net asset value of Applicant in determining the number of Applicant's shares to be issued. Applicant seeks an order pursuant to section 6(c) of the Act exempting the transaction from section 22(d). Section 22(d) prohibits a registered investment company from selling its shares at a price which differs from the offering price described in the company's prospectus.

Section 22(d) further provides that "nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b)." Although the plan may be deemed to be a reorganization within the meaning of section 11(b) of the Act, Applicant has requested an exemption from section 22(d) in order to avoid any question of the applicability of that section.

Applicant represents that its Board of Directors has approved the Plan as being in the best interests of its stockholders, taking all relevant considerations into account, including, among others, the assets to be acquired, the investment policies and objectives of Applicant, the absorption of all of Applicant's expenses of this exchange by its investment adviser and its principal underwriter, and the fact that the resulting increase in assets will tend to reduce slightly per share expenses. Applicant further represents that no affiliation existed between ICM or its officers or driectors and Applicant, its officers and directors at the time of negotiation of the Plan, and that the Plan was negotiated at arm's length by the two corporations. Since that time, one of the officers of Applicant has been elected an officer of ICM, and the president of ICM has been elected a vice president of PMC.

Section 22(c). The Plan provides that the time for valuing the net assets of ICM, as well as the net asset value of shares of Applicant to be exchanged pursuant to the Plan, shall be 3:30 p.m. on such date as may be mutually agreed upon by ICM and Applicant, but in no event later than seven (7) business days after the stockholders of ICM have approved the Plan. The actual exchange of net assets of ICM for shares of Applicant shall be made at 10 a.m. on the second business day following the valuation time.

Section 22(c) of the Act and Rule 22c–1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provision or provisions of the Act or from any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 10, 1971, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71–17466 Filed 11–30–71;8:47 am]

[812–3068]

PEACHTREE DOORS, INC., ET AL.

Notice of Filing of Application for Order

NOVEMBER 22, 1971.

In the matter of Peachtree Doors, Inc., Post Office Box 700, Norcross, GA 30071; The Citizens and Southern Capital Corp., Post Office Box 4899, Atlanta, GA 30303; James R. Hewell, Jr., Post Office Box 700, Norcross, GA 30071; Zack D. Cravey, Jr., 756 Hurt Building, Atlanta, GA 30303; N. Rae Hewell, 4001 Briarcliff Road NE., Atlanta, GA 30329; George W. Mathews, Jr., 144 Collier Road NW., Atlanta, GA 30309; and The Citizens and Southern National Bank Profit Sharing Plan, Post Office Box 4899, Atlanta, GA 30303.

Notice is hereby given that Peachtree Doors, Inc. (Peachtree Doors), The Citizens and Southern Capital Corp. (C & S Capital), registered under the Investment Company Act of 1940 (Act) as a closed-end, nondiversified management investment company, and certain other shareholders of Peachtree Doors, as described below (collectively "Applicants") have filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order permitting Applicants to jointly sell shares of common stock of Peachtree Doors in a proposed public offering of such stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

C & S Capital owns 31.5 percent of the outstanding common stock of Peachtree Doors. James R. Hewell, Jr. is the president, treasurer and a director of Peachtree Doors and the beneficial owner of 18.6 percent of the outstanding common stock of Peachtree Doors. Zack D. Cravey, Jr. is the secretary and a director of Peachtree Doors and the beneficial owner of 11.6 percent of the outstanding common stock of Peachtree Doors. N. Rae Hewell is the beneficial owner of 9.7 percent of the outstanding common stock of Peachtree Doors. George W. Mathews, Jr. is a director of Peachtree Doors and the beneficial owner of 4.5 percent of the outstanding common stock of Peachtree Doors. The president of C & S Capital is a trustee of The Citizens and Southern National Bank Profit Sharing Plan (the Plan), which is the beneficial owner of 0.7 percent of the outstanding common stock of Peachtree Doors.

By reason of the fact that C & S Capital owns more than 5 percent of the outstanding voting securities of Peachtree Doors, Peachtree Doors is an "affiliated person" (as that term is defined in section 2(a)(3) of the Act) of C & S Capital. By reason of the facts that J. R. Hewell owns more than 5 percent of the outstanding voting securities of Peachtree Doors and is an officer and director of Peachtree Doors, Cravey owns more than 5 percent of the outstanding voting securities of Peachtree Doors and is an officer and director of Peachtree Doors, N. R. Hewell owns more than 5 percent of the outstanding voting securities of Peachtree

Doors and Mathews is a director of Peachtree Doors, each is an affiliated person of an affiliated person of C & S Capital. By reason of the fact that the president of C & S Capital, who is himself by virtue of that office an affiliated person of C & S Capital, is a trustee of the Plan, the Plan may be an affiliated person of an affiliated person of C & S Capital.

Peachtree Doors has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of common stock of Peachtree Doors. Such offering will consist of an aggregate of 325,000 shares of Peachtree Doors, of which 140,000 shares would be provided by Peachtree Doors, 150,000 shares by C & S Capital, 10,000 shares by J. R. Hewell, 5,000 shares by Cravey, 13,000 shares by N. R. Hewell, 2,500 shares by Mathews and 4,500 shares by the Plan. The expenses of the registration and sale of the shares to be sold by C & S Capital and by the Plan (other than underwriting discounts) will be borne by Peachtree Doors, pursuant to agreements previously entered into with C & S Capital and the Plan by Peachtree Doors. The expenses of registration and sale of the shares to be sold by the other Applicants will be borne by each of them.

The total number of shares of common stock of Peachtree Doors to be offered in the public offering was determined by agreement between Peachtree Doors and Dominick & Dominick, Inc. (Dominick) as representative of the underwriters at the recommendation of Dominick based on the judgment of Dominick, as to the probable market for the shares of Peachtree Doors. C & S Capital requested that 150,000 of its Peachtree Doors shares be included in the offering pursuant to registration rights previously granted by Peachtree Doors to C & S Capital. Similarly, the Plan was permitted to include 4,500 shares in the offering. After Peachtree Doors had concluded that it wished to sell 140,000 previously unissued shares, the remainder of the shares to be offered were allocated among the other Applicants on a mutually agreeable basis. The sales price per share will be the same for each Applicant and is to be determined by agreement between Dominick and the Applicants.

The Applicants have agreed with Dominick, as representative of the underwriters, that after the effective date of the registration statement none of them will offer or sell any additional shares of the common stock of Peachtree Doors without the prior approval of the underwriters for a period of 90 days. The purpose of this agreement is to facilitate the sale of shares to be offered in the public offering.

There has not heretofore been any public market for the shares of common stock of Peachtree Doors. It is the opinion of the management of C & C Capital and Peachtree Doors that the creation of such a public market which will result from the public offering will be in the best interest of C & S Capital and Peachtree Doors.

The Applicants state that the participation of C & S Capital and Peachtree Doors in the proposed public offering on the basis proposed is consistent with the provisions, policies and purposes of the Act and, to the extent that such participation is on a basis different from that of other participants, it is more favorable to C & S Capital than to such other participants.

Rule 17d–1, adopted under section 17(d) of the Act, provides, as here pertinent, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, or company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than December 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71–17467 Filed 11–30–71;8:47 am]

[812–3035]

PILGRIM FUND, INC.

Notice of Filing of an Application for Order Exempting Proposed Exchange of Shares

NOVEMBER 23, 1971.

Notice is hereby given that Pilgrim Fund, Inc. (Applicant), 185 Cross Street, Fort Lee, NJ, a Maryland corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of sections 22(c) and 22(d) of the Act and Rule 22c–1 thereunder a proposed transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of ICM Financial Fund, Inc. (ICM). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below:

ICM is an open-end diversified, management investment company incorporated under the laws of the State of Maryland. As of September 17, 1971, the net assets of ICM amounted to $2,634,917, consisting almost entirely of cash and marketable securities. As of that date there were approximately 319,678 shares of ICM outstanding, owned by approximately 5,000 shareholders.

Pilgrim Fund Distributors (PFD), the principal underwriter for Applicant, also acts as the principal underwriter for shares of ICM, which are presently being offered for sale only to current shareholders of ICM.

Interscience Capital Management Corp. (Interscience) formerly acted as investment manager to ICM under an investment advisory agreement which was terminated on September 17, 1971. ICM is currently operating pursuant to an administrative services and management agreement in effect between ICM and Pilgrim Management Corp. (PMC), which also acts as investment manager to Applicant. PMC presently provides administrative and management services at no cost to ICM.

Pursuant to the Articles of Sale and Plan of Reorganization (Plan) between Applicant and ICM, Applicant will acquire all of the net assets of ICM in exchange for shares of Applicant's capital stock. The number of Applicant's shares to be issued in exchange for the net assets of ICM is to be determined by dividing the aggregate market value of the assets of ICM to be transferred to Applicant by Applicant's then net asset value per share subject to a certain adjustment which would reflect the respective proportion of assets of ICM and Applicant representing realized and undistributed gains (or losses) as well as unrealized appreciation as of the valuation time. If the valuation under the Plan had taken place at the close of business on September 17,

1971 the tax adjustment would have increased the market value of the assets of ICM by $7,021, and ICM would have received 251,135.37 shares of Applicant's stock.

When received by ICM, the Applicant's shares are to be distributed to ICM stockholders in complete liquidation of ICM, in proportion to their respective stock ownership in ICM.

Section 22(d). Applicant's shares are currently offered to the public on a continuous basis at net asset value plus varying sales charges, ranging from 8.5 percent on sales of less than $25.00 to 1.0 percent on sales of $1 million or more, as disclosed in Applicant's prospectus. Pursuant to the terms of the Plan no sales charge will be added to the net asset value of Applicant in determining the number of Applicant's shares to be issued. Applicant seeks an order pursuant to section 6(c) of the Act exempting the transaction from section 22(d).

Section 22(d) prohibits a registered investment company from selling its shares at a price which differs from the offering price described in the company's prospectus.

Section 22(d) further provides that "Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b)". Although the Plan may be deemed to be a reorganization within the meaning of section 11(b) of the Act, Applicant has requested an exemption from section 22(d) in order to avoid any question of the applicability of that section.

Applicant represents that its board of directors has approved the Plan as being in the best interests of its shareholders, taking all relevant considerations into account, including, among others, the assets to be acquired, the investment policies and objectives of Applicant, the absorption of all of Applicant's expenses of this exchange by its investment adviser and its principal underwriter, and the fact that the resulting increase in assets will tend to reduce slightly per share expenses. Applicant further represents that no affiliation existed between ICM or its officers or directors and Applicant, its officers and directors at the time of negotiation of the Plan, and that the Plan was negotiated at arm's length by the two corporations. Since that time, one of the officers of Applicant has been elected an officer of ICM, and the president of ICM has been elected a vice president of PMC.

Section 22(c). The Plan provides that the time for valuing the net assets of ICM, as well as the net asset value of shares of Applicant to be exchanged pursuant to the Plan, shall be 3:30 p.m. on such date as may be mutually agreed upon by ICM and Applicant, but in no event later than seven (7) business days after the stockholders of ICM have approved the Plan. The actual exchange of net assets of ICM for shares of Applicant shall be made at 10 a.m. on the second business day following the valuation time.

Section 22(c) of the Act and Rule 22c-1 thereunder inter alia prohibit registered investment companies from issuing their redeemable securities except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase the security.

Section 6(c) permits the Commission, upon application, to exempt any transaction from any provisions of the Act or of any rule or regulation thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 10, 1971, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-17468 Filed 11-30-71;8:47 am]

[811-1554]

VOLUNTEER FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 22, 1971.

Notice is hereby given that Volunteer Fund, Inc., Third National Bank Building, Nashville, Tenn. 37219 (hereinafter "Applicant"), a Tennessee corporation registered as a closed-end, diversified, management investment company under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defind in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant has been registered under the Act since October 26, 1967. On August 23, 1971, Applicant obtained shareholder approval permitting the sale of its assets to Volunteer Capital Corp., a newly formed Tennessee corporation which will, pursuant to a Plan of Reorganization (Plan) with Applicant, engage in the business of leasing equipment to commercial and industrial customers and purchasing secured installment sales contracts.

The application states that in accordance with said Plan, all of Applicant's securities have been liquidated and Applicant has distributed 249,773 shares of Volunteer Capital Corp.'s common stock to its shareholders on a one for one basis. Since August 23, 1971, Applicant states it has not engaged in any business or activity except as required to consummate the Plan and complete its dissolution. Applicant's only assets at present consist of approximately $20,000 in a cash reserve fund which to the extent it is not used for dissolution expenses will be transferred to Volunteer Capital Corp. On October 7, 1971, Applicant filed a statement of intent to dissolve with the Secretary of State of Tennessee, and on October 19, 1971, Applicant filed its articles of dissolution with the Secretary of State of Tennessee.

Applicant represents that at all times subsequent to August 23, 1971 it has not been, and it will not in the future be, an investment company within the meaning and purpose of section 3(a) of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 10, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney

at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-17469 Filed 11-30-71;8:47 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Allan Merrill Manufacturing, Co., Chisholm, Minn.; 9–3–71 to 9–2–72 (men's and boys' jackets).

Arizona Slack Corp., Yuma, Ariz.; 9–12–71 to 9–11–72 (men's slacks).

The Arrow Co., Albertville, Ala.; 9–10–71 to 9–9–72 (men's dress shirts).

Bali Bra Manufacturing Co., Inc., Johnstown, Pa.; 8–27–71 to 8–26–72 (brassieres and girdles).

Barad & Co., Salem, Mo.; 9–16–71 to 9–15–72 (ladies' sleepwear).

Big River Manufacturing Co., Kittanning, Pa.; 8–31–71 to 8–30–72 (boys' shirts).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; 9–11–71 to 9–10–72 (men's slacks).

Continental Manufacturing Co., Oskaloosa, Iowa; 9–20–71 to 9–19–72 (men's and boys' trousers).

Denise Lingerie Corp., Johnson City, Tenn.; 8–28–71 to 8–27–72 (ladies' nightwear).

Detroit Slacks, Inc., Detroit, Ala.; 9–1–71 to 8–31–72 (men's and boys' slacks).

Don Juan Manufacturing Corp., Hertford, N.C.; 9–4–71 to 9–3–72 (men's and boys' shirts).

Dotty Dan, Inc., Lamesa, Tex.; 9–16–71 to 9–15–72 (children's play clothes).

Elder Manufacturing Co., Dexter, Mo.; 8–21–71 to 8–20–72 (men's and boys' shirts and boys' slacks).

Elk Brand Manufacturing Co., Cadiz, Ky.; 9–3–71 to 9–2–72 (men's and boys' jeans).

Elk Brand Manufacturing, Co., Hopkinsville, Ky.; 8–31–71 to 8–30–72 (men's and boys' jeans).

Eudora Garment Corp., Eudora, Ark.; 9–9–71 to 9–8–72 (shirts, jumpsuits, hospital gowns and pants).

Excelsior Frocks, Inc., Archbald, Pa.; 8–23–71 to 8–22–72; 10 learners (ladies' dresses).

Fairmont Manufacturing Co., Fairmont, N.C.; 9–14–71 to 9–13–72; 6 learners (women's nightgowns and pajamas).

Fleetline Industries, Inc., Garland, N.C.; 8–23–71 to 8–22–72 (men's shirts).

Forrest Hills Sportswear Co., Lawrenceburg, Tenn.; 9–14–71 to 9–13–72 (men's dress trousers).

Hartselle Manufacturing Co., Inc., Hartselle, Ala.; 8–30–71 to 8–29–72 (men's pants).

Industrial Garment Manufacturing Co., Palestine, Tex.; 9–12–71 to 9–11–72 (men's work pants).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 9–1–71 to 8–31–72 (men's shirts).

Kellwood Co., Phil Campbell, Ala.; 8–23–71 to 8–22–72 (boys' jeans).

Lackawanna Pants Manufacturing Co., Scranton, Pa.; 9–9–71 to 9–8–72 (men's pants).

Laurel Industrial Garment Manufacturing Co., Laurel, Miss.; 9–20–71 to 9–19–72 (men's shirts).

Laurens Shirt Corp., Laurens, S.C.; 8–31–71 to 8–30–72 (men's shirts).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9–8–71 to 9–7–72 (men's and boys' slacks).

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9–12–71 to 9–11–72 (men's and women's pajamas, surgical face masks, and gowns).

Paramount Sportswear Corp., Fall River, Mass.; 8–30–71 to 8–29–72; 10 learners (children's clothing).

Petersburg Manufacturing Co., Petersburg, Tenn.; 8–2–71 to 8–28–72 (ladies' and girls' pants).

Piedmont Garment Co., Inc., Harmony, N.C.; 8–28–71 to 8–27–72 (ladies' blouses).

R C M Enterprises, Inc., Baconton, Ga.; 8–19–71 to 8–18–72; 10 learners (girls' and ladies' blouses).

Raycord Co., Inc., Spartanburg, S.C.; 8–22–71 to 8–21–72 (men's shirts).

Reed Manufacturing Co., Inc., Nettleton, Miss.; 8–19–71 to 8–18–72 (men's and boys' trousers).

Reidbord Brothers Co., Philippi, W. Va.; 8–24–71 to 8–23–72 (men's pants).

Relda Apparel Manufacturing Co., Inc., Hughesville, Pa.; 9–1–71 to 8–31–72; 10 learners (women's, misses', and juniors' dresses).

Sevier Industries, Inc., Sevierville, Tenn.; 8–24–71 to 8–23–72 (men's and boys' pants).

Shawnee Garment Manufacturing Co., Shawnee, Okla.; 8–28–71 to 8–27–72; 10 learners (men's overalls and jeans, boys' overalls).

Somerset Shirt & Pajama Co., Somerset, Pa.; 8–26–71 to 8–25–72 (boys' nightwear).

Trace Manufacturing Co., Waynesboro, Tenn.; 8–23–71 to 8–22–72 (work shirts and pants).

Vernon Manufacturing Co., Inc., Vernon, Ala.; 9–1–71 to 8–31–72 (men's pants).

Wendell Garment Co., Inc., Wendell, N.C.; 9–5–71 to 9–4–72 (men's sport shirts).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; 9–14–71 to 9–13–72 (men's, and boys' work and casual clothes).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Edison Textiles, Inc., Fort Gaines, Ga; 9–1–71 to 2–29–72; 20 learners (infants' and girls' pantles, shorts, slacks, and sunsuits).

Elk Brand Manufacturing Co., Cadiz, Ky; 9–3–71 to 3–2–71; 7 learners (men's and boys' jeans).

Elk Brand Manufacturing Co., Hopkinsville, Ky.; 8–31–71 to 2–29–72; 7 learners (men's and boys' jeans).

Farel Corp., Charlotte, N.C.; 9–17–71 to 3–16–72; 11 learners (ladies' brassieres and girdles).

Monroe Industries, Inc., Tellico Plains, Tenn.; 8–23–71 to 2–22–72; 25 learners (women's and girls' blouses).

Ronco Manufacturing Co., Ronco, Pa; 9–15–71 to 3–14–72; 19 learners (nylon T-shirts, football jerseys and wrestling pants).

Ronella Sportswear Inc., Clarkton, N.C.; 7–23–71 to 1–22–72; 5 learners (ladies' and children's blouses and pants).

Southeastern Garment Corp., Clinton, N.C.; 9–6–71 to 3–5–72; 25 learners (boys' coats, ski jackets, and shirts).

Spring City Manufacturing Corp., Spring City, Tenn.; 8–23–71 to 2–22–72; 20 learners (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Vienna, Ill.; 9–1–71 to 8–31–72; 10 learners for normal labor turnover purposes (work gloves).

Good Luck Glove Co., Vienna, Ill.; 9–7–71 to 3–6–72; 23 learners for plant expansion purposes (work gloves).

Tex-Sun Glove Co., Corsicana, Tex.; 8–19–71 to 8–18–72; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Fort Payne DeKalb Hosiery Mills, Inc., Fort Payne, Ala.; 8–24–71 to 8–23–72; 5 percent of the total number of factory production workers for normal labor turnover purposes, (infants' and misses' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Beauty Maid Mills, Inc., Statesville, N C.; 9–9–71 to 9–8–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Bayuk Ciales, Inc., Ciales, P.R.; 8–2–71 to 8–1–72; 10 learners for normal labor turnover purposes in the occupation of machine

stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

Bayuk Ciales, Inc., Ciales, P.R.; 9–2–71 to 3–1–72; 24 learners for plant expansion purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

Boqueron Manufacturing Corp., Cabo Rojo, P.R.; 8–9–71 to 8–8–72; 32 learners for normal labor turnover purposes in the occupations of: (1) Toe and panty hose sewers (seaming); and inspecting, each for a learning period of 240 hours at the rate of $1.29 an hour; (2) boarding and folding, each for a learning period of 360 hours at the rate of $1.29 an hour; and (3) pairing and mending, each for a learning period of 720 hours at the rates of $1.29 an hour for the first 360 hours and $1.34 an hour for the remaining 360 hours (ladies' seamless hosiery and panty hose).

Central Knitting Mills, Inc., San German, P.R.; 8–27–71 to 3–8–72; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (full-fashioned knitted garments). (Replacement)

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; 8–27–71 to 7–11–72; 14 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (knitting of sweaters and related products). (Replacement)

El Conquistador Industries, Fajardo, P.R.; 8–16–71 to 2–15–72; 45 learners for normal labor turnover purposes in the occupations of sewing machine operating and pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's neckties).

Mesana Dyeing & Finishing, Inc., Quebradillas, P.R.; 8–27–71 to 7–11–72; 12 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours; and (2) kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.27 an hour (dyeing and finishing of sweaters and related products). (Replacement)

Meyers & Son Manufacturing Co., of Puerto Rico, Inc., Cidra, P.R.; 9–8–71 to 9–7–72; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.24 an hour (coveralls).

Midland Knitting Mills, Inc., San German, P.R.; 8–27–71 to 3–8–72; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (full-fashioned knitted garments). (Replacement)

Northridge Knitting Mills, Inc., San German, P.R.; 8–27–71 to 3–8–72; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (full-fashioned knitted garments). (Replacement)

Olympic Mills Corp., San Juan, P.R.; 8–2–71 to 8–1–72; 11 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours at the rate of $1.14 an hour (men's and boys' underwear).

Puritan Caribbean, Inc., Cidra, P.R.; 8–27–71 to 7–18–72; 17 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours (knitting of sweaters and shirts). (Replacement)

Randy Knitting Mills, Inc., Quebradillas, P.R.; 8–27–71 to 4–22–72; 14 learners for normal labor turnover purposes in the occupations of (1) sweater knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (full-fashioned sweaters). (Replacement)

Randy Knitting Mills, Inc., Quebradillas, P.R.; 8–27–71 to 2–15–72; 30 learners for plant expansion purposes in the occupations of: (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (full-fashioned sweaters). (Replacement)

Wendy Textile Mills, Inc., Quebradillas, P.R.; 8–27–71 to 7–11–72; 5 learners for normal labor turnover purposes in the occupations of (1) knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) machine stitching-seaming, for a learning period of 320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours (knitting of sweaters and related products). (Replacement)

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, Holly, Mich.; 9–1–71 to 8–31–72; authorizing the employment of 60 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.40 an hour for the first 120 hours and $1.45 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; 9–1–71 to 8–31–72; authorizing the employment of: (1) 70 student-workers in the bookbinding industry in the occupations of gluing, backing, stamping, overmaking, and related operations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 300 hours and $1.50 an hour fo the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of composition, presswork, machine composition and platemaking, for a learning period of 1,000 hours at the rates of $1.45 an hour for the first 500 hours and $1.50 an hour for the remaining 500 hours; (3) 105 student-workers in the furniture manufacturing industry in the occupations of millwork, assembly, and finishing, for a learning period of 600 hours at the rates of $1.45 an hour for the first 300 hours and $1.50 an hour for the remaining 300 hours; and (4) 12 student-workers in the clerical industry in the occupations of bookkeeping, stenographic, switchboard, and data processing, for a learning period of 480 hours at the rates of $1.45 an hour for the first 240 hours and $1.50 an hour for the remaining 240 hours.

Atlantic Union College, South Lancaster, Mass.; 9–1–71 to 8–31–72; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of $1.45 an hour; (2) 50 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations for a learning period of 300 hours at the rate of $1.45 an hour; and (3) 10 student-workers in the broom manufacturing industry in the occupations of broom making, stitching, sorting, winder, and related skilled and semiskilled occupations, for a learning period of 300 hours at the rate of $1.45 an hour.

Brigham Young University, Provo, Utah; 9–1–71 to 8–31–72; authorizing: (1) A learning period of 1,000 hours at the rates of $1.40 an hour for the first 500 hours and $1.45 an hour for the remaining 500 hours, for 50 student-workers in the university press industry in the occupations of press operating and assembly workers; and (2) a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours, for (a) 50 student-workers in the university press industry in the occupations of press and clerical workers and typists, (b) 15 student-workers in the motion picture production industry in the occupations of technicians, production assistants, and clerical workers, (c) 60 student-workers in the educational media service industry, in the occupations of clerical workers, inspection, shipping, and receiving, (d) 30 student-workers in the division of continuing education in the occupations of clerical and stenographic workers, (e) 30 student-workers in the public relations and telephone industry in the occupations of switchboard operators, typists, and clerical workers, and (f) 35 student-workers in the admissions, records, and alumni division in the occupations of stenographic and clerical workers.

Cedar Lake Academy, Cedar Lake, Mich.; 9–1–71 to 8–31–72; authorizing the employment of 35 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours.

Grand Ledge Academy, Grand Ledge, Mich.; 9–1–71 to 8–31–72; authorizing the employment of 6 student-workers in the clerical industry in the occupations of bookkeeping and secretarial, for a learning period of 480 hours at the rates of $1.40 an hour for the first 240 hours and $1.45 an hour for the remaining 240 hours.

Pacific Union College, Angwin, Calif.; 9–1–71 to 8–31–72; authorizing the employment of 20 student-workers in the bookbindery industry in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, caseworker, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rate of $1.45 an hour.

Sandia View Academy, Corrales, N. Mex.; 9–1–71 to 8–31–72; authorizing the employment of 50 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, off-bearer assembler, finisher, and related skilled and

semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours.

Southern Missionary College, Collegedale, Tenn.; 9-1-71 to 8-31-72; authorizing the employment of: (1) 50 student-workers in the bookbinding industry in the occupations of cleaning, checking in, sewing, casework, and related operations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 300 hours and $1.55 an hour for the remaining 300 hours; (2) 10 student-workers in the broom manufacturing industry in the occupations of sorting, dyeing, winding, stitching, labeling, shipping, and related operations, for a learning period of 360 hours at the rates of $1.45 an hour for the first 180 hours and $1.55 an hour for the remaining 180 hours; (3) 30 student-workers in the printing industry in the occupations of composing, presswork, binding, and related operations, for a learning period of 1,000 hours at the rates of $1.45 an hour for the first 500 hours and $1.55 an hour for the remaining 500 hours; and (4) 10 student-workers in the clerical industry in the occupations of typewriting, filing, billing, and related operations, for a learning period of 480 hours at the rates of $1.45 an hour for the first 240 hours and $1.55 an hour for the remaining 240 hours.

Union College, Lincoln, Nebr.; 9-1-71 to 8-31-72; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.40 an hour for the first 500 hours and $1.50 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours; (3) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, mop maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.40 an hour for the first 180 hours and $1.45 an hour for the remaining 180 hours; (4) 10 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours; and (5) 6 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.40 an hour for the first 240 hours and $1.45 an hour for the remaining 240 hours.

Union Springs Academy, Union Springs, N.Y.; 9-13-71 to 8-31-72; authorizing the employment of 13 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rate of $1.40 an hour.

The student-worker certificates were issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 16th day of November 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-17532 Filed 11-30-71;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 26, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. FF-359, Auto Trip USA, Inc., Freight Forwarder Application MC-C-7287, AAACon Auto Transport, Investigation and Revocation of Certificate, MC-C-7287 (Sub-No. 1) AAACon Auto Transport, Petition for Declaratory Order, now being assigned hearing in Miami, Fla., in a hearing room to be designated later, on January 17, 1972.

MC 134163 Sub 3, Joseph Richardson, now assigned December 6, 1971, at Philadelphia, Pa., postponed to February 7, 1972, same time and place.

MC 134163 Sub 4, Joseph Richardson, now assigned December 8, 1971, at Philadelphia, Pa., postponed to February 9, 1972, same time and place.

MC 130138, Chi-Am Tours, now assigned November 29, 1971, postponed indefinitely.

MC-C-7567, Lawrence E. Troutman—Investigation of Operations, now assigned December 6, Kansas City, Mo., postponed indefinitely.

MC 119619 Sub 44, Distributors Service Co., now assigned November 29, 1971, at New York, N.Y., postponed indefinitely.

MC 133633 Sub 5, Highway Express, now being assigned continued hearing, on January 17, 1972, in Holiday Inn North, U.S. Highway 49 North, Hattiesburg, Miss.

MC 2284 Sub 24, Boulevard Transit Lines, Inc.—Revocation of Certificate—assigned December 4, 1971, at New York, N.Y., postponed to December 18, 1971, in Room E-2222, 26 Federal Plaza, New York, N.Y.

No. 35473, Flour, Arkansas City, Kansas to Memphis, Tenn., assigned November 30, 1971, at Washington, D.C., postponed to January 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17560 Filed 11-30-71;8:53 am]

[Notice 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 26, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 597), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed November 12, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and Interstate Highway 80N (East Snowville Junction, Utah), over Interstate Highway 80N to junction U.S. Highway 30S (West Snowville Junction, Utah), and return over the same route, for operating convenience only. The notice indicated that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Ogden, Utah, over Utah Highway 204 to junction U.S. Highway 30S (Elwood Junction), thence over U.S. Highway 30S to junction Interstate Highway 80N (West Hills Junction), thence over Interstate Highway 80N to junction unnumbered highway (East Snowville Junction), thence over unnumbered highway to junction Interstate Highway 80N and U.S. Highway 30S (West Snowville Junction), thence over U.S. Highway 30S to the Utah-Idaho State line (connects with Idaho Route 16).

No. MC-2890 (Deviation No. 89), AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, KS 67202, filed November 16, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From North Platte, Nebr., over access roads to junction Interstate Highway 80, thence over Interstate Highway 80 to junction access roads, thence over access roads to Ogallala, Nebr.; (2) from Ogallala, Nebr., over access roads to junction Interstate Highway 80, thence over Interstate Highway 80 junction access roads, thence over access roads to Chappell, Nebr.; (3) from Chappell, Nebr., over access roads to junction Interstate Highway 80, thence over Interstate Highway 80 to junction access roads, thence over access roads to Sidney, Nebr.; (4) from Sidney, Nebr., over access roads to junction Interstate Highway 80, thence over Interstate Highway 80 to junction access roads, thence over access roads to Kimball, Nebr.; and (5) from Kimball, Nebr., over access roads to junction Interstate Highway 80, thence over Interstate Highway 80 to junction access roads, thence over access roads to Pine Bluffs, Wyo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Omaha, Nebr., over Alternate U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 via Valley, Nebr., to junction U.S. Highway 30, thence over U.S. Highway 30 via Grand Island, Nebr., to Pine Bluffs, Wyo., and return over the same route.

No. MC-55312 (Deviation No. 7), CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, TN 37203, filed November 16, 1971. Carrier's representative: D. Paul Stafford, 315 Continental Avenue, Dallas TX 75207. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Sheperdsville, Ky., over Interstate Highway 65 to Nashville, Tenn., with the following access routes: (a) From Elizabethtown, Ky., over U.S. Highway 31W to junction Interstate Highway 65; and (b) from junction Interstate Highway 65 and U.S. Highway 68, over U.S. Highway 68 to junction Kentucky Highway 101; and (2) from Sheperdsville, Ky., over Interstate Highway 65 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction U.S. Highway 31W, thence over U.S. Highway 31W to junction Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., with the following access routes: (a) From Elizabethtown, Ky., over U.S. Highway 31W to junction Interstate Highway 65, and (b) from junction Interstate Highway 65 and U.S. Highway 68, over U.S. Highway 68 to junction Kentucky Highway 101, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Sheperdsville, Ky., over Kentucky Highway 61 to Boston, Ky., thence over U.S. Highway 62 to Leitchfield, Ky., thence over Kentucky Highway 259 to junction U.S. Highway 31W, thence over U.S. Highway 31W to junction Kentucky Highway 101, thence over Kentucky Highway 101 to Scottsville, Ky., thence over U.S. Highway 31E to Nashville, Tenn., and return over the same route.

No. MC-109598 (Deviation No. 14), CAROLINA SCENIC STAGES, Post Office Box 2387, Charlotte, NC 28201, filed November 17, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Columbia, S.C., over Interstate Highway 126 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction U.S. Highway 1 (2 miles east of Lexington, S.C.); and (2) from junction Interstate Highway 20 and U.S. Highway 1 (2 miles east of Lexington, S.C.), over Interstate Highway 20 to junction U.S. Highway 25, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Newberry, S.C., over South Carolina Highway 121 (formerly South Carolina Highway 19) via Saluda and Johnston, S.C., to junction U.S. Highway 25, thence over U.S. Highway 25 to Augusta, Ga.; (2) from Saluda, S.C., over U.S. Highway 178 to Batesburg, S.C., thence over U.S. Highway 1 to Columbia, S.C. (also from Saluda over South Carolina Highway 39 to junction South Carolina Highway 23, thence over South Carolina Highway 23 to junction U.S. Highway 178); and (3) from Johnston, S.C., over South Carolina Highway 23 to junction South Carolina Highway 39, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17556 Filed 11-30-71;8:52 am]

[Notice 94]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 26, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 75651 (Sub-No. 69) (Amendment), filed March 1, 1971, published in the FEDERAL REGISTER of April 8, 1971, and amended as follows: Applicant: R. C. MOTOR LINES, INC., 1851 Executive Center Drive, Post Office Box 2501, Jacksonville, FL 32202. Applicant's representative: J. Edward Allen, Post Office Box 1086, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Chattanooga, Tenn., and Chesapeake, Va., as off-route points in connection with carrier's regular-route authority. Restriction: The operations authorized herein above to serve Chattanooga, Tenn., are restricted to the transportation of traffic moving from, to, or via Augusta, Savannah, and Atlanta, Ga.; Columbia, S.C., or points in North Carolina. The operations authorized hereinabove to serve Chesapeake, Va., are restricted to transportation of traffic moving from, to, or via Newark, N.J., or a New Jersey point within 25 miles of Newark; points in South Carolina or Wilmington, N.C. NOTE: Common control may be involved. The purpose of this republication is to (1) redescribe the authority sought, and (2) reflect the hearing information.

HEARING: January 10, 1972, at Jacksonville, Fla., at a place to be later designated.

No. MC 113666 (Sub-No. 58) (Amendment), filed April 28, 1971, published in the FEDERAL REGISTER issue of May 27, 1971, and republished as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed and feed ingredients*, from the international boundary between the United States and Canada located on the Niagara River to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and from the international boundary between the United States and Canada located on the Detroit and St. Clair Rivers to points

in Indiana, Kentucky, Michigan and Ohio; (2) *xanthate*, dry, from the international boundary between the United States and Canada located on the Niagara River to points in Arizona, California, Colorado, Delaware, Georgia, Illinois, Michigan, Missouri, Montana, Nevada, New York, Oklahoma, Pennsylvania, Utah, Virginia and Washington, and from the international boundary between the United States and Canada located on the Detroit and St. Clair Rivers to points in Arizona, California, Colorado, Georgia, Illinois, Michigan, Missouri, Montana, Nevada, Oklahoma, Utah, and Washington; (3) *dry animal and poultry feed and feed ingredients*, from Pearl River, N.Y., and Willow Island, W. Va., to Kansas City, Mo., Des Moines, Iowa, and Muncie and Garden City, Kans.; and (4) *dry animal and poultry feed and feed ingredients*, from the plant of the American Cyanamid Co. at South River, Mo., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Garden City, Kans., as a destination point.

HEARING: Remains as assigned January 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 42487 (Sub-No. 761) (Republication), filed September 11, 1970, published in the FEDERAL REGISTER issue of October 1, 1970, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 97208. A decision and order of the Commission, Review Board No. 3, dated November 1, 1971, and served November 19, 1971, finds; that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum products, in bulk, in tank vehicles: (1) from points in Contra Costa County, Calif., to points in Alabama, Connecticut, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Virginia, West Virginia, Wisconsin, and District of Columbia; (2) from points in Los Angeles County, Calif., to points in Alabama, Connecticut, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin and District of Columbia; (3) from Bakersfield, Calif., to points in Connecticut, Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, Ohio, Oklahoma, and Rhode Island; and (4) from Santa Maria, Calif., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, West Virginia, and Wisconsin; and subject to the restriction that the authority granted herein shall not be joined or tacked with other authority presently held by applicant for the purpose of performing through service, that the authority herein authorized to the extent it duplicates any authority heretofore granted to applicant shall not be construed as conferring more than a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119789 (Sub-No. 64) (Republication), filed April 7, 1971, published in the FEDERAL REGISTER issue of May 5, 1971, and republished this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. An order of the Commission, Operating Rights Board, dated October 29, 1971, and served November 16, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of baby strollers, children's vehicles, wardrobes, baby swings, baby chairs and stools, baby seats, baby toys, and play pens, from the plantsite and storage facilities of Peterson Baby Products Co., at Los Angeles, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Indiana, Kentucky, Tennessee, Mississippi, Alabama, West Virginia, Pennsylvania, Delaware, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119991 and No. MC 119991 (Sub-No. 1) (Notice of filing of Petition for Official Opinion on Commodity Description/or Petition for Enlargement of Commodity Description to Conform to Change of Industry's Handling of Commodity). Petitioner: YOUNG TRANSPORT, INC., 1915 East Broadway, Logansport, IN 46947. Petitioner's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. By petition filed as indicated above, Petitioner requests an official opinion of the Commission for permitting the transportation of hides and skins other than green salted or as grounds for the Commission to enlarge the commodity description in Petitioner's current authority. Petitioner states that in the instant contained in the above certificates the commodity description is "green hides and skins, salted". This commodity description was arrived at when the initial authority was issued in that which preceded the authority acquired by the Transferee in MC-FC 64864 and subsequently expanded in the Sub-1 docket referred to previously in the title hereof, and when both authorities were acquired by Petitioner. Petitioner further states that the origin of the commodity description "green hides and skins, salted" was the result of the original conditioning of hides in the packing industry for shipment to hide processors who utilized the hides for leather, glue, and various other ultimate finished or semifinished commodities. The hides of animals, both domestic and wild, when stripped from the animal, in the earlier years of the packing industry and development of the leather and glue industries from processing hides, was rudimentary and the hides, as shipped, initially contained the natural hair or fur plus dirt, manure and sizable quantities of flesh or just-under-the-skin fat. The hides were then salted rather sparingly, rolled and tied into bundles and shipped to their consignees who produced the leather, glue, etc., or a semifinished product which subsequently has been called chromes which might subsequently be shipped to someone who finished the product into leather, etc.

For many years the great bulk of the hides and pelts which moved throughout the country moved in this salted, rolled and bundled fashion. In more recent years, as new packing plants have been constructed, the hides and pelts are no longer removed by hand. They are frequently defleshed and, in many instances, are dehaired and cleaned of all dirt and manure and soaked in salt brine for several hours. These hides may be salted sparingly and shipped rolled or bundled and still would be classified as green salted hides. However, many of the newer plants are now processing the hides one step further in that the hides are desalted as well as being dehaired and are then shipped, following the previous steps mentioned, and are known as chromed hides which is actually a first stage of the tanning process. It is questionable whether Petitioner can transport the chromed hides under the existing commodity description though many of Petitioner's customers, and the customers of its two predecessors, are switching from the original method of shipping hides, with all the hair, manure, flesh clinging thereto, etc., to the first step mentioned previously herein and even to the second step of shipping chromed hides. It is Petitioner's position that, because of the changing nature of the industry rather than the change of customers or shippers,

Petitioner's authority should be expanded, or the Commission should so interpret it, that Petitioner could transport the hides as they now move whether it be green salted, chrome or chrome splits. The latter is what the name implies, a split hide, split in thickness, and chromed. In addition to the semiprocessing, or processing, of the hides as indicated herein by current shippers of hides, those plants which perform this type of processing frequently remove the tails and other portions known as trimmings and ship them separately to different consumers. The chromes and chrome splits as well as the green salted hides go primarily to consumers who process the hides then into various types of leather. The tails and trimmings normally are shipped to glue processors and related industries. It is apparent from the changing nature of the industry, with the construction of new plants nearer the site of the production of the live animals for slaughtering that the trend is toward the semiprocessing, or initial processing, of the hides by the packing plants into a state beyond that which was initially considered "green salted".

By the instant petition for the reasons stated above, Petitioner requests the Commission to interpret its authority to include the transportation of chromes and chrome splits as well as pieces, tails and trimmings, in addition to the restricted authority "green hides and skins, salted" or that the Commission upon receipt of this Petition issue new certificates covering authority to transport hides, or hides and skins, or in the Commission's discretion the more detailed descriptions of hides and skins, green salted, chromes, and chrome splits and tails, pieces and trimmings. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC-FC 72950. K & B MOUNTING, INC., Warren, Mich., transferee, and GEORGE F. BURNETT COMPANY, INC., South Bend, Ind., transferor. Attorney for applicants: Harold G. Hernly, 510 Circle Building, 2030 North Adams Street, Arlington, VA 22201. By application filed June 1, 1971, under Section 212(b) of the Act, the above-named transferee seeks to acquire the operating rights in certificate No. MC 1184 and subs thereunder issued to transferor, authorizing the transportation of automobiles and related commodities, from South Bend, Ind., to points in 39 States; from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Minnesota and Iowa; and from Bethlehem, Pa., to Atlanta, Ga., Cincinnati, Ohio, St. Louis, Mo., and Flint, Mich.

By order of the Commission, Division 3, entered in the subject proceeding September 22, 1971, the matter of the transfer No. MC-FC 72950 is assigned for hearing at a time and place to be hereafter designated, for the purpose of determining, among other things, whether transferee, K & B Mounting, Inc., is affiliated with, and operated under common control with the carrier holding authority from this Commission in MC-95961, Donald W. Gersten, doing business as Gersten Services, and whether such control and management was accomplished and continuing in violation of section 5(4) of the Act; that the subject transfer application may be improperly tendered under section 212(b) and is proper for determination under the provisions of section 5 of the Act, by reason of aggregate gross revenues of the parties, for the period prescribed by the Commission, having exceeded $300,000.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate for the purpose of developing the record.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11305. (Correction) (TERMINAL TRANSPORT COMPANY, INC.—Purchase (Portion)—DEATON, INC.), published in the September 15, 1971 issue of the FEDERAL REGISTER, on page 18494. Prior notice should be modified to include the regular route between Montgomery, Ala., and Meridian, Miss., and to note: (1) Vendee proposes to serve, in connection with the regular-route authority to be purchased, all points in Mississippi and those in Alabama within 65 miles of Birmingham as intermediate and off-route points, with service at points in Mississippi, New Orleans, La., and its commercial zone "restricted against traffic originating at or destined to Birmingham, Ala., or points within 65 miles of Birmingham"; (2) the authority to be purchased is also to be restricted against traffic originating at Atlanta, Ga., and destined to Birmingham, Ala., or originating at Birmingham, Ala., and destined to Atlanta, Ga.; (3) vendor proposes to convert, in a related section 206 application, its retained general commodity authority from Birmingham, Ala., and points within 65 miles of Birmingham, over specified regular routes, to New Orleans, La., and points in Mississippi, and return, restricted against interlining at Birmingham and points within 65 miles of Birmingham; (4) vendor proposes to transfer to vendee, if the related section 206 conversion application is granted, additional general commodity, regular routes between Birmingham, Ala., and New Orleans, La., between Birmingham, Ala., and Mount Pleasant, Miss., between Tupelo and Mineral Wells, Miss., between Columbus and Corinth, Miss., between Marion and Uniontown, Ala., between Pell City and Centerville, Ala., with restrictions, serving points in Mississippi and those in Alabama within 65 miles of Birmingham as intermediate and off-route points, with service at points in Mississippi, New Orleans, La., and its commercial zone restricted against traffic originating at or destined to Birmingham, Ala., or points within 65 miles of Birmingham; and (5) vendor also proposes to retain the portion of its general commodity, irregular-route authority between the specified area around Atlanta, Ga., on the one hand, and, on the other, Anniston, Curry, Jacksonville, Merrellton, Munford, and Talladega, Ala., restricted to traffic originating at or destined to the six named Alabama points.

No. MC-F-11375. Authority sought for control and merger by CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, NC 28021, of the operating rights of HOAG'S EXPRESS, INC., 22 Owasco Street, Auburn, NY 13021, and for acquisition by C. G. BEAM, also of Cherryville, N.C. 28021, of control of such rights through the transaction. Applicants' attorney: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC-120567 Sub-1, covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of New York. CAROLINA FREIGHT CARRIERS CORPORATION, is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Florida, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, Ohio, West Virginia, Illinois and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-2253 Sub-48 is a matter directly related.

No. MC-F-11376. Authority sought for purchase by F-B TRUCK LINE COMPANY, 1891 West 2100 South, Salt Lake City, UT 84119, of a portion of the operating rights of LARMER TRANSFER COMPANY, 1375 Front Street NE., Salem, OR 97303, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, Utah 84119, of control of such rights through the purchase. Applicants' attorney: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: *Heavy machinery, and contractors equipment,* as a *common carrier* over irregular routes, between certain specified counties in Oregon, on the one hand,

and, on the other, points in Washington; *heavy machinery* and other commodities, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts, equipment, and supplies,* when the transportation of heavy machinery and other commodities which by reason of size or weight require the use of special equipment, between certain specified counties in Oregon, on the one hand, and, on the other, certain specified counties in California. Vendee is authorized to operate as a *common carrier* in Montana, Idaho, California, Utah, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11377. Authority sought for purchase by DEBRICK TRUCK LINE, INC., 300 Southwest Boulevard, Kansas City, KS 66103, of a portion of the operating rights of ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, Route No. 2, Paola, Kans. 66071, and for acquisition by JOHN M. EDGAR, 7814 Canterbury, Prairie Village, KS 66208, of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *Green and salted hides,* as a *common carrier* over irregular routes, between points in Kansas, Mo., and Nebraska, from points in North Dakota, South Dakota, Colorado, Montana, Wyoming, Oklahoma and Texas, to points in Kansas, Mo., and Nebraska, with restrictions. Vendee holds no authority from this Commission. However, it is affiliated with NATIONAL EXPRESSWAYS, INC., Post Office Box 23, Passaic, MO 64777, which is authorized to operate as a *common carrier* in all of the States in the United States except Alaska and Hawaii. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11378. Authority sought for purchase by P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840, of the operating rights of STED-FAST TRANS., INC., 103 Heard Street, Post Office Box 127, Chelsea, MA, and for acquisition by WILLIAM T. BOWLER, 200 Eustis Avenue, Newport, RI 02840, of control of such rights through the purchase. Applicants' attorney: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–98797 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Connecticut, New York, New Jersey, Maryland, Delaware, Pennsylvania, Michigan, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11380. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA 23224, of the operating rights of TIDEWATER EXPRESS LINES, INC., 1909 South Charles Street, Baltimore, MD 21230, and for acquisition by J. HARWOOD COCHRANE, also of Richmond, Va. 23224, of control of such rights through the purchase. Applicants' attorney: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, DC 20036. Operating rights sought to be transferred: *General commodities,* excepting among others, dangerous explosives and commodities in bulk, as a *common carrier* over irregular routes, between Richmond, Va., and Washington, D.C.; *general commodities,* except those of unusual value, and except loose fodder, hay, and straw, green hides, dangerous explosives, commodities in bulk, and those requiring special equipment, between Lancaster and Chambersburg, Pa., and Baltimore, Md., between Harrisburg, Pa., and Baltimore, Md., between Pennsylvania points, between Washington, D.C., Baltimore, Md., and Lancaster, Pa., between Cooksville and Elkton, Md., between Baltimore and Frederick, Md., between Eldersburg and Sykesville, Md., service is authorized to and from all intermediate points on the above-specified routes, between Washington, D.C., and points in Maryland, service is authorized to and from the off-route points of Peach Glen, Pa., Poolesville, Md., and off-route points laterally within 10 miles of the above-specified regular routes, and those laterally within 10 miles of said carrier's authorized regular route operations between Richmond, Va., and Washington, D.C., with exceptions, between junction of Maryland Highway 439 and U.S. Highway 111 near the Maryland-Pennsylvania State line, and junction Maryland Highway 24 and U.S. Highway 40 near Abingdon, Md., between Perryville, Md., and Oxford, Pa., between Port Deposit and Rising Sun, Md., service is authorized to and from all intermediate points on the above-specified routes;

Uncrated household goods, between Washington, D.C., and points in Maryland; *general commodities,* except uncrated household goods, explosives, and dangerous articles, bank bills, currency, or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughterhouse offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereto, and livestock, and articles requiring refrigeration, over irregular routes, between points and places within 50 miles of Washington, D.C., on the one hand, and, on the other, Hagerstown, Md. Vendee is authorized to operate as a common carrier in North Carolina, Tennessee, South Carolina, Georgia, Virginia, Alabama, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11381. Authority sought for purchase by BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416, of a portion of the operating rights of MILK TRANSPORT, INC., Box 2698, New Brighton, MN 55112, and for acquisition by C. H. ROBINSON CO., also of Minneapolis, Minn., of control of such rights through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *Milk and milk products,* in bulk, in tank vehicles, as a *common carrier* over irregular routes, from points in Minnesota to points in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas; *edible oils,* in bulk, in tank vehicles, from Mankato, Minn., and Chicago, Ill., to points in Florida; *liquid wax,* in bulk, in tank vehicles, from the plantsite of Sun Oil Co.'s refinery at or near Marcus Hook, Pa., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, from Freedom, Pa., to points in Wisconsin; *liquid inedible animal grease,* in bulk, in tank vehicles, from Woburn, Mass., to certain specified points in Indiana; *sodium lauryl sulphate,* in bulk, in tank vehicles, from St. Paul, Minn., to Kansas City, Mo., Iowa City, Iowa, Jeffersonville, Ind., and Jersey City, N.J.; *fruit and citrus juices and concentrates thereof,* in bulk, in tank vehicles, from Frostproof, Fla., to Lyons, Ill., from Brooksville and Lakeland, Fla., and points within 10 miles of Lakeland, to points in Minnesota and Wisconsin;

Oleo oil and oleo stock, in bulk, in tank vehicles, from the plantsite of the International Refining and Packaging Corp., at Paterson, N.J., to points in Michigan; *Petrolatum,* in bulk, in tank vehicles, from the plantsites of Sunnybourne Chemical and Refining Corp., at Petrolia and Franklin, Pa., to points in Illinois, Iowa, Minnesota, and Wisconsin, from the plantsite of the Pennsylvania Refining Co., at Karns City, Pa., to Nekoosa, Wis., and points in Minnesota; *petrolatum* and *white oil,* in bulk, in tank vehicles, from Karns City, Pa., to points in Illinois (except points in Cook County), and Wisconsin; *petroleum oil, petroleum lubricating oil, petroleum naphtha, petroleum transformer oil, petroleum or paraffin wax, and petrolatum or petrolatum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (except petroleum chemicals as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209), in bulk, in tank vehicles, from Buffalo, N.Y., and certain specified points in Pennsylvania, and Falling Rock and St. Marys, W. Va., to points in Colorado, Illinois, Iowa, Kansas, Michigan (except the Lower Peninsula), Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, with restriction; *cleaning, scouring, and washing compounds,* in

bulk, in tank vehicles, from St. Paul, Minn., to Painesville, Ohio, and Chicago and Freeport, Ill.; *witch hazel*, in bulk, in tank vehicles, from Essex, Conn., to Minneapolis and St. Paul, Minn.; *juices and beverages*, in bulk, in tank vehicles, from Chicago, Ill., to Chattanooga, Tenn. Vendee is authorized to operate as a *common carrier* in California, Iowa, Missouri, Kansas, Oklahoma, Alabama, Kentucky, Arizona, Illinois, Indiana, Michigan, Texas, New Jersey, Washington, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11382. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114 (MC-112713), HAROLD D. WELLENSEIK, doing business as TECUMSEH TRANSFER, Tecumseh, Nebr. 68450 (MC-99266 Sub-1), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Omaha, Nebr., and certain specified points in Nebraska. Attorney: John M. Records, Post Office Box 8462, 92d at State Line, Kansas City, MO 64114. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Iowa, Nebraska, Georgia, Arizona, New Mexico, Minnesota, South Carolina, Colorado, California, Tennessee, Wyoming, South Dakota, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, and New Jersey.

No. MC-F-11383. Authority sought for purchase by SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, IN 46624, of a portion of the operating rights of DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Post Office Box 750, Akron, OH 44309. Applicants' attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Operating rights sought to be transferred: *General commodities*, except perishables, livestock petroleum and its products, in tank trucks, coal, sand, gravel, grain household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment, as a *common carrier* over regular routes, between Akron, Ohio, and Buffalo, N.Y., serving the intermediate point of Erie, Pa., and off-route points within 5 miles of Akron, Ohio; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Akron and Canton, Ohio, serving the intermediate points of North Canton and Massillon, Ohio. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, Missouri, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11384. Authority sought for purchase by RAUB TRANSPORT, INC., 4 Water Street, Niles, OH 44446, of the operating rights of SAM GORDON TRUCKING CO., INC., 2440 North Main Street, Miles, OH 44446, and for acquisition by ROBERT RAUB, also of Niles, Ohio, of control of such rights through the purchase. Applicants' attorneys: Paul F. Beery, 88 East Broad Street, Columbus, Ohio, and Michael W. Rosenberg, 605 Union Savings & Trust Building, Warren, Ohio 44481. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Niles, Ohio, on the one hand, and, on the other, points in that part of Pennsylvania west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to certain specified points in Pennsylvania. Vendee is authorized to operate as a *common carrier* in Ohio, New York, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17551 Filed 11-30-71;8:53 am]

[Notice 402]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 46007 (Sub-No. 4 TA), filed November 17, 1971. Applicant: J. W. BROWNETT, INC., 70 Canal Street, Jersey City, NJ 07302. Applicant's representative: R. B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shortening, margarine, and edible greases*, in bulk, in tank vehicles, from the facilities of Colfax, Inc., Pawtucket, R.I., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and the District of Columbia; and (2) *animal oils, vegetable oils, and oils kindred to animal and vegetable oil*, in bulk, in tank vehicles, from points in New Jersey, New York, Pennsylvania, and Virginia, to the facilities of Colfax, Inc., Pawtucket, R.I., under a continuing contract with Colfax, Inc., Pawtucket, R.I., for 180 days. Supporting shipper: Colfax, Inc., 38 Colfax Street, Pawtucket, R.I. 02904. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 51312 (Sub-No. 11 TA), filed November 17, 1971. Applicant: BOWLING GREEN TRANSFER, INC., 530 South Maple Street, Bowling Green, OH 43402. Applicant's representative: Boyd B. Ferris, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and salt spreaders, leaf loaders and leaf collectors and yard tractors and parts thereof;* from Bowling Green, Ohio, to points in Indiana, Illinois, Wisconsin, Kentucky, West Virginia, Michigan, Pennsylvania, New Jersey, New York, Maryland, Massachusetts, Connecticut, and Ohio, for 180 days. Supporting shipper: Gulf-Western Metals Forming Co., Young-Daybrook Division, Daybrook-Bowling Green, 1175 North Main Street, Bowling Green, OH 43204. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 100666 (Sub-No. 204 TA), filed November 15, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, National Foundation Life Center, 3555 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, conduit, plastic valves, plastic fittings, compound joint sealer, bonding cement, as well as compounds, coating primer, thinner, maintenance kits, tapering tools and wrenches* (adjustment of strap) used in the installation of plastic pipe, tubing, conduit valves and fittings, from Terre Haute, Ind., to points in North Carolina, for 180 days. Supporting shipper: Ethyl Corp., Visqueen Division, Terre Haute, Ind. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 107064 (Sub-No. 84 TA), filed November 15, 1971. Applicant: STEERE

TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, 75201, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Howard County, Tex., to points in the United States (except Alaska, Arizona, Colorado, Hawaii, and New Mexico), for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: American Petrofina Co. of Texas, Mercantile Dallas Building, Dallas, Tex. 75201. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 13C12 Federal Building, 1100 Commerce Street, Dallas, TX 75202.

No. MC 119493 (Sub-No. 83 TA) (Correction), filed November 1, 1971, published FEDERAL REGISTER November 16, 1971, corrected and republished in part as corrected this issue. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, MO 64801. NOTE: The purpose of this partial republication is to set forth the correct origin point as Jasper County, Mo., in lieu of Jasper County, Miss., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 119579 (Sub-No. 3 TA), filed November 16, 1971. Applicant: J. J. TAYLOR, INCORPORATED, 5922 Farrington Avenue, Alexandria, VA 22304. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Architectural precast concrete panels and materials* used in the installation thereof, from Manassas, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (2) *materials* used in the manufacture and installation of architectural precast concrete panels, except cement, and except commodities in bulk, from the destination territory in (1) above and from points in Ohio, North Carolina, South Carolina, Tennessee, Georgia, and Vermont to Manassas, Va., for 180 days. Supporting shipper: Early Studio, Inc., Post Office Box 210, Manassas, VA 22110. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 121046 (Sub-No. 3 TA), filed November 12, 1971. Applicant: B. A. MILLER & SONS TRUCKING, INC., Box 41, Liberty Center, OH 43532. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk and those injurious or contaminating to other lading), between points in Henry County, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, Indiana, Illinois, and Louisville, Ky., for 180 days. Supporting shippers: Automatic Feed Co., Post Office Box 391, Napoleon, OH 43545.; Arrow Molded Plastics, Inc., 1409 North Scott, Napoleon, OH 43545.; FMC Corp. (Niagara Chemical Division) 100 Niagara Street, Middleport, NY 14105. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 128476 (Sub-No. 2 TA), filed November 12, 1971. Applicant: U & ME TRANSFER, INC., 2626 Electronic Way, West Palm Beach, FL 33407. Applicant's representative: Lawrence A. Hudnall (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* having a prior or subsequent movement in Interstate Commerce, between West Palm Beach, Fla., and points in Martin, St. Lucie, Indian River, and Okeechobee Counties, Fla., for 180 days. NOTE: Applicant does intend to tack the authority in MC 128476, Sub-No. 1, but does not intend to interline. Supporting shipper: Western Electric Co., Inc., 6701 Roswell Road, Atlanta, GA 30328. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 129018 (Sub-No. 4 TA), filed November 15, 1971. Applicant: DARRELL WYLIE, 623 Burlington, Holdrege, NE 68949. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream novelties*, from Los Gatos and San Jose, Calif., to Salt Lake City, Utah, Denver, Colo., and Lincoln, Nebr., and (2) *Yogurt*, from Salt Lake City, Utah, to Denver, Colo., and Lincoln, Nebr., for 180 days. Supporting shipper: Beatrice Foods Co., 726 L Street, Lincoln, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133436 (Sub-No. 13 TA), filed November 17, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, 121 East Second Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and its commercial zone to points in Arkansas, Kentucky, Mississippi, and Tennessee, for the account of NII Metal Services Corp., A Division of National Industries, Inc., for 180 days. Supporting shipper: Bernard J. Senelick, Sales Manager, NII Metals Service, Division of National Industries, Inc., 1919 West 74th Street, Chicago, IL 60636. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134349 (Sub-No. 3 TA), filed November 12, 1971. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William B. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by department stores, between New York, N.Y., commercial zone, as defined by the Commission, and Riverside, Mo., for 150 days. Supporting shipper: My Shop, Inc., 275 Seventh Avenue, New York, NY 10001. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 135007 (Sub-No. 11 TA), filed November 11, 1971. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Frederick J. Coffman, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plants, warehouses and storage facilities utilized by National Beef Packing Co. at or near Kansas City, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Ohio, Virginia, North Carolina, and South Carolina under continuing contract with National Beef Packing Co., for 180 days. Supporting shipper: National Beef Packing Co. Inc., Liberal, Kans. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, NE 68102.

No. MC 135978 (Sub-No. 1 TA), filed November 17, 1971. Aplicant: RED LINE EXPRESS, INC., Post Office Box 306, Dade City, FL 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies*, used in the installation thereof, from Marrero, La., to points in Arkansas, Missouri, Florida, Iowa, Illinois, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Delaware, Indiana, Maryland, Mississippi, Kansas, and Washington, D.C., for 180 days. Supporting shipper: The Celotex Corp., Box 22602, Tampa, FL 33622. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of

Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136096 (Sub-No. 1 TA), filed November 17, 1971. Applicant: RELIABLE MOVING & STORAGE, INC., Highway 30, High Ridge, Mo. 63049. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Major household appliances*, crated, for the account of K-Mart Stores, Inc., from High Ridge, Mo., to Collinsville, Belleville, and Wood River, Ill., for 180 days. Supporting shipper: K-Mart Stores, Inc., 11333 Blake Avenue, Bridgeton, MO 63042. Send protests to: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 136128-R (Sub-No. 2 TA), filed November 17, 1971 Applicant: DELBERT HOFER, doing business as DELTA TRUCKING, 516 Gertrude Street, Elgin, IL 60120. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, building materials* (except sand, gravel, brick, masonry, cement, lightweight aggregates and commodities in bulk), from the yards of Wickes Lumber and Building Supplies at Gurnee, Ill., to points in Racine, Kenosha, Milwaukee, Ozaukee, Waukesha, and Washington Counties, Wis., for 180 days. Supporting shipper: Wickes Lumber and Building Supplies, Post Office Box 479, Bartlett, IL 60103. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136156 TA, filed November 15, 1971. Applicant: TODD NORTH AMERICAN, INC., 9 Derwood Circle, Rockville, MD 20850. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in the District of Columbia, Anne Arundel, Charles, Montgomery, and Prince Georges Counties, Md., Alexandria and Falls Church, Va., and Fairfax, Loudoun, and Prince William Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Department of the Army, Washington, D.C. 20310. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 136165 TA, filed November 17, 1971. Applicant: MAC REBER, doing business as REBER TRANSPORTATION, 314 Security Bank Building, Sioux City, Iowa 51101. Applicant's representative: Wallace W. Huff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites of Iowa Beef Processors, Inc., located at Luverne, Minn.; Denison, Fort Dodge, LeMars, and Mason City, Iowa; and Dakota City and West Point, Nebr.; Emporia, Kans.; to points on the international boundary line between the United States and Canada, which points are located in the States of Michigan and New York, no return movement is sought. The authority will be limited to meats and packinghouse products with destination to points in Canada, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17558 Filed 11-30-71;8:53 am]

[Notice 789]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73299. By order of November 23, 1971, the Motor Carrier Board approved the transfer to Crawford Trucking Co., Inc., Omaha, Nebr., of the operating rights in Permits Nos. MC-133737 (Sub-No. 1) and MC-133737 (Sub-No. 3), issued November 13, 1970, and May 13, 1971, respectively, to Robert Crawford, doing business as Crawford Trucking Co., Omaha, Nebr., authorizing the transportation of various commodities from specified points in Nebraska, Oklahoma, Arkansas, Kansas, and Texas to points in the United States, except Alaska and Hawaii. Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, attorney for applicants.

No. MC-FC-73098. By order of November 18, 1971, the Motor Carrier Board approved the transfer to William L. Engel, doing business as Engel's Van Service, Greenville, Pa., of the operating rights in Certificate No. MC-109170 (Sub-No. 2), issued November 17, 1967, to William Engel, doing business as Engel's Trucking, Greenville, Pa., authorizing the transportation of (1) wrecked, damaged, or disabled automobiles or trucks, in truckaway services, over irregular routes, from points in Trumbull, and other named counties in Ohio, to Greenville, Pa., and (2) household goods as defined by the Commission, over irregular routes, between points in Mercer and other named counties in Pennsylvania, on the one hand, and, on the other, points in New York and Ohio, and between Greenville, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 21, and points in that part of New York on and west of U.S. Highway 62. Martin E. Cusick, Esq., First Federal Building, Sharon, Pa. 16146.

No. MC-FC-73255. By order of November 24, 1971, the Motor Carrier Board approved the transfer to William F. Mehring & Sons, Inc., Keymar, Md., of the operating rights in certificates Nos. MC-95743 (Sub-No. 2), MC-95743 (Sub-No. 16), MC-95743 (Sub-No. 18), MC-95743 (Sub-No. 19), MC-95743 (Sub-No. 20), MC-95743 (Sub-No. 23), and MC-95743 (Sub-No. 24) issued August 14, 1958, August 14, 1958, August 14, 1959, November 22, 1960, January 17, 1963, January 16, 1963, and March 27, 1963, respectively, to William Frederick Mehring, doing business as William F. Mehring, Keymar, Md., authorizing the transportation of various specified commodities, including fertilizer, ground burned lime, wooden ladders, solid fuels, lining paper, agricultural and industrial lime, and animal and poultry feeds, to or from points as named in Maryland, Pennsylvania, Delaware, Virginia, Florida, and the District of Columbia. Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036, attorney for applicants.

No. MC-FC-73301. By order of November 22, 1971, the Motor Carrier Board approved the transfer to Gangloff & Downham Trucking Co., Inc., Logansport, Ind., of certificates Nos. MC-133566, MC-133566 (Sub-No. 1), MC-133566 (Sub-No. 2), MC-133566 (Sub-No. 4), MC-133566 (Sub-No. 6), MC-133566 (Sub-No. 7), and MC-133566 (Sub-No. 9), issued November 4, 1969, August 28, 1970, December 7, 1970, June 8, 1971, June 1, 1971, June 1, 1971, and September 23, 1971, respectively, to Robert Gangloff and Robert Downham, doing business as Gangloff and Downham, Logansport, Ind., authorizing the transportation of: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses,

as described in sections A and C of appendix I of the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), frozen foods, and frozen meats, from specified points in Illinois and Indiana, to points in 17 specified States and the District of Columbia. Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17559 Filed 11-30-71;8:53 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 26, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other procedings, any subsequent changes therein, and other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 10610-M, filed November 15, 1971. Applicant: ELDON O. BRIGHT, doing business as BRIGHT'S FREIGHT SERVICE, Route No. 3, Topeka, Shawnee County, Kans. Applicant's representative: John E. Janderia, 641 Harrison Street, Topeka, KS. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Topeka, Kans., and Wamego, Kans., with service to all intermediate points and the off-route points of Onaga Reservoir and Dam Site and Grove, Kans., and Grove Reservoir and Dam Site. From Topeka, Kans., over U.S. Highway 24 to Wamego, Kans., and return over the same route. Both intrastate and interstate authority sought.

HEARING: Thursday, January 20, 1972, at the State Corporation Commission, State Office Building, Fourth Floor, Topeka, Kans. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans 66612 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17555 Filed 11-30-71;8:52 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—DECEMBER

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